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International Court of Justice

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WAR DEPARTMENT

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

1.) List of affidavits submitted by Defense.

2) affidavits presented before commission general Staff and OCW.

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

GENERAL STAFF AND OKW

1. Hans von Obstfelder
2. Georg von Kuechler
3. Gerhard Raus
4. Walther Wenck
5. Johannes Blaskowitz
6. Erwin Rauch
7. Georg Seegers
8. Dr. Bastiaan Pechmann
9. Friedrich Hossbach
10. Kurt Zeitzler
11. Walther Nehring
12. Hans Schrepfler
13. Kurt Laube
14. Guenther Pape
15. Eduard Hauser
16. Otto Dessloch
17. Walther Nehring
18. Ewald von Kleist
19. Guenther Blumentritt
20. Karl Koller
21. Walter Warlimont
22. Guenther Blumentritt
23. Hans Wolfgang Reinhard
24. Max Schwandner
25. Rudolf Christoph
26. Helmut Kleikamp
27. Georg von Kuchler
28. Otto Woehler
29. Otto Woehler (Supplement)
30. Guenther Blumentritt
31. Gustav Herteneck
32. Otto Heidkaemper
33. Walther Hahm
34. Georg Lindemann
35. Horst von Mellenthin
36. Otto Woehler
37. Hermann Reinecke
38. Horst Freiherr Luedinghausen
39. Wolfgang Ruhsert
40. Wolfgang Krasselt
41. Gerhard von Nostitz-Wallit
42. Theodor Tolsdorff
43. Georg Kuchler
44. Friedrich Wilhelm Ruebesamen
45. Heinz Guderian
46. Johannes Friessner
47. Heinz W. Guderian
48. Dr. Adolf Block
49. Reinhard Winterhoff
50. Maximilian Frhr. von Weichs

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

SS

1. Luitpold Schallermeier
2. Helmuth Wagner
3. Walter A. L. Gerlach
4. Wolfgang Jasper
5. Dr. Bruno Wille
6. Friedrich Fabritius
7. Johannes Poehlmann
8. Werner Grothmann
9. Dr, Wilhelm Fuehrer
10. Dr. Werner Paulmann
11. Dr. Konrad Morgen
12. Dr. Konrad Morgen
13. Anton Kainel
14. Kr. Werner Hansen
15. Siegfried Golling
16. Ulrich Greifelt
17. Otto Hofmann
18. Edgar Hoffmann
19. Ulrich Greifelt
20. Gerhard Golling
21. Adolf von Bomhard
22. Walter Blume
23. Adolf von Bomhard
24. Ruth Brinkmann
25. Dr. Joachim Mrugowsky
26. Erich Kampp
27.

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

GENERAL STAFF AND OKW

1. Hans von Obstfelder
2. Georg von Kuechler
3. Gerhard Raus
4. Walther Wenck
5. Johannes Blaskowitz
6. Erwin Rauch
7. Georg Seegers
8. Dr. Bastiaan Pechmann
9. Friedrich Hossbach
10. Kurt Zeitzler
11. Walther Nehring
12. Hans Schrepfler
13. Kurt Laube
14. Guenther Pape
15. Eduard Hauser
16. Otto Dessloch
17. Walther Nehring
18. Ewald von Kleist
19. Guenther Blumentritt
20. Karl Koller
21. Walter Warlimont
22. Guenther Blumentritt
23. Hans Wolfgang Reinhard
24. Max Schwandner
25. Rudolf Christoph
26. Helmut Kleikamp
27. Georg von Kuchler
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32. Otto Heidkaemper
33. Walther Hahm
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37. Hermann Reinecke
38. Horst Freiherr Luedinghausen
39. Wolfgang Ruhsert
40. Wolfgang Krasselt
41. Gerhard von Nostitz-Wallit
42. Theodor Tolsdorff
43. Georg Kuchler
44. Friedrich Wilhelm Ruebesamen
45. Heinz Guderian
46. Johannes Friessner
47. Heinz W. Guderian
48. Dr. Adolf Block
49. Reinhard Winterhoff
50. Maximilian Frhr. von Weichs

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

POLITICAL LEADERS

1. Paul Seboldt
2. Hans Gerber
3. Heinrich Neuer
4. Karl Schoenberger
5. Adam Foertsch
6. Karl Hederich
7. Karl Hederich
8. Adam Foertsch
9. Alfons Schaller
10. Walter Heyse
11. Dr. Paul Steinhauser
12. Ernst Volkmann
13. Karl Hederich
14. Eduard Kuehl
15. Josef Reinhardt
16. Joseph Reinhart
17. Dr. Richard Mueller
18. Dr. Richard Mueller
19. Karl Richard Adam
20. Bolko Count von Roedern
21. Heinrich Walkenhorst
22. Reinhard Schoen
23. D. Cajus Fabricius
24. Paul Wegener
25. Ernst Bayerlein

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

SD

1. Ferdinand Zachmann
2. Max Juettner
3. Otto Fehrer
4. Bruno Biedermann
5. Dr. Siegfried Uiberreither
6. Karl Wahl
7. Paul Wegener
8. Dr. Walfried Marx
9. Wilhelm Ziebs
10. Helmut Fromm
11. Oskar Eiseler
12. Werner May
13. Dr. Wilhelm Hoettl
14. Karl Heinz Bendt
15. Weinz Wanninger
16. Otto Ohlendorf
17. Walter Schellenberg
18. Wilhelm Keitel
19. Helmut Fromm
20. Walter Schellenberg
21. Dr. Paul Dittel
22. Dr. Gerhard Ritter
23. Otto Skorzeny
24. Gerty Breiter
25. List of Collective Affidavits

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

GESTAPO

1. Wilhelm Huelf
2. Dr. Friedrich Degner
3. Karl W. Weiss
4. Bruno Rachfahl
5. Georg Schraepel
6. Arnold Kreklow
7. Hugo Goppelt
8. Reinhard Wolff
9. Josef Losse
10. Gustav Gottwald
11. Georg Schraepel
12. Friedrich Janne
13. Hans Helmut Wolff)
    Karl Foerster)
14. Walter Huppenkothen
15. Dr. Theodor Grafenberger
16. Karl Heinz Bendt
17. Walter Huppenkothen
18. Fritz Liphardt
19. Reinhard Wolff
20. Guenter Fentz
21. Felix Ruehl
22. Helmut Fromm
23. Dr. Erich Isselher

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

REICH CABINET

1. Dr. Otto Meissner
2. Richard-Walther Darre
3. Lutz Graf Schwerin v. Krosigk
4. Rudolf Harmening

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AFFIDAVITS PRESENTED BEFORE THE COMMISSION

SA Stahlhelm

1. Carl Simon
2. Georg Duesterberg

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AFFIDAVITS PRESENTED TO THE COMMISSION

SA

1. Mr. Menge (Enclosures 1 and 3)
2. Kurt Blome
3. Willy Ney
4. K. H. Koch
5. Georg Zelnhefer
6. Georg Mappes
7. Hans Reimann
8. Hans Petersen
9. Alexander Grosskopf
10. Jos. Cardinalis Frings
11. Franz Von Hoerauf
12. Proffessor D. Cajus Fabricius
13. Leonhard Gontermann
14. Edgar Stelzner

#1

v o n O b s t f e l d e r
General of Infantry

Dachau, 1 July 1946.

I, Hans von Obstfelder, General of the Infantry, being duly sworn, depose and say:

D e c l a r a t i o n i n L i e u o f O a t h .

Re: "Group (Gruppe)"

The declaration is based on the period during which I held the position of commander-in-chief of an army, namely from 1 Decemb 1944 until the end of the war in the West.

The essential criteria of an "organization" or "group" which m be formed in the opinion of the prosecution by all those who h the top military positions must of necessity be the following:

1. The "group" constitutes a closed unit,
2. its members must be united voluntarily for a definite purpos
3. the "group" must have a statute which imposes upon the membe special obligations and duties,
4. the members assemble for a special reason or regularly at definite times to hold joint conferences at which every memb has a vote, personally or represented by a speaker,
5. all members are informed of all essential intentions and pla within the "group",
6. every member to whom a particular office is proposed within "group", has the right to accept or reject it,
7. every member has the right to tender his resignation from th "group".

Ad 1. In the German Wehrmacht, just as in the army of any other country, it was only the officers' corps as a whole which cons uted a closed unit. To single out a certain group within the officers' corps as was done in the indictment is purely arbi rary. They could just as well have included within the OKW t chiefs of the personnel offices, ordnance offices, army admi tration offices and the armament office. The same could hav been done within the so-called "general staff" with the commanders-in-chief of the army groups, i.e. with the exclus of the commanders-in-chief of the armies or, on the other ha with the inclusion of the Commanding Generals of the army c just as at any other degree in the officers' hierarchy sinc conferences with the Fuehrer the circle of persons attendin was by no means limited in principle to the commanders-in-ch (See ad 4., third paragraph.)

The members of the alleged "Group OKW and General Staff" did not voluntarily unite in a special organization. They were appointed to their positions without doing anything for it. Their activity consisted exclusively in fulfilling the milit tasks belonging to their positions. Especially they did not pursue any political aims, much less a common political aim. In this respect the personal sentiments of the individual ho of the command posts were too different.

The connection with politicians or party leaders was a loose one. In general a confidential relationship did not exi on

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the contrary, the relationship was often very tense.

For instance, during the time I was a commander-in-chief I personally never came together for political or military conferen with politicians and high party leaders. Aside from a few courtes calls I made on the gauleiters who were competent in my respectiv army area and apart from the latters corresponding return calls, gauleiters visited me or telphoned my only in rare cases in order present wishes concerning the effect of military measures on the population or economy. No kind of conference on joint action of a political or military nature ever took place on these occasions.

.d 3. A special stature or anything similar for the holders of these command posts which would have united them in a "group" or "Organ ation", did not exist. Before taking over their positions they ha obligations nor were subjected to any other duties. Nor were they ordered in principle to report to the Fuehrer either before takin over their positions or shortly afterwards. On the contrary, they, like all other officers, were subject only to the general militar relationship of subordination among themselves, and were bound or by the bonds of special professional ethics and comradeship.

Besides, no tasks of any kind were set to them which could be termed a conspiracy. They received only military tasks of an opera ional or tactical nature which they carried out in the manner cust aryin the armies of all countries, apart from the fact that their personal liberty to decide things for themselves was limited by th commanders-in-chief of the Wehrmacht in such a way as was not customary in former times.

.d 4. To my knowledge the holders of the positions never assembled of their own accord as a closed unit to hold conferences. It may be t that individual holders of positions occasionally united for consul ations on special questions of a military nature which interested t all or that they were called together by a superior command to receive definite directives, but in their entirety they never came together of their own accord for consultations. When holders of co posts were called together in a greater circle by the Fuehrer, the latter only told them his decision or developed his thoughts; ther was never any discussion as to the suitability of the decision or thoughts of the Fuehrer displayed which would have permitted everyone express his opinion nor would this have been permitted on such occasions.

At all meetings of members of the alleged "group" which I experienced or of which I learned, only specific military questions were discussed and these were limited in regard to time and place within the frame work of the operational tasks set by the supreme leadership.

Thus during the time I was commander-in-chief of the First Army, I was ordered late in December 1944 to report to the Fuehrer together with the Commanding Generals and commaders of divisions under my command. There General Field Marshal von Rundstedt as com mander-in-chief West and Colonel General Blaskowitz as leader of th Army Group G presented the plan for carrying out the attack in and west of the Vosges Mountains which was set for the night of the ne vear. A discussion on the suitability of the attack which was orde did not take place at the meeting. Upon corresponding objections b the Fuehrer during the presentation of the plan

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only some questions as to the practical execution of the attack were discusse

That one cannot speak of a union of the holders of the highest command posts in a "group" or "organization" nor of corresponding by close connection with each other is to be seen quite clearly for instance from the f that during the timeI was commander-in-chief I was not ordered a single time either by my superior commander of the group of armies or by the commander-in-chief West nor by the Fuehrer to report to a discussion with the other army leaders of the groups of armies, of the commander-in-chief West or of the ent army. During this time I did not see a single commander-in-chief of other arm at all, I did not even speak to one over the telephone or maintain contact wit one by correspondence. Furthermore, very many of the officers who were appoint commanders-in-chief during the course of the war or who were employed in head positions of the OKW or OKH (Army High Command), were completely unknown to me and even less did I know the officers of the navy and air force in correspondi posts.

5. There was never any general instruction of holders of head positions as regards militar intention and aims as a whole and much less as regards political ones. Everybody learned only what he really needed to know for the execution of his speci military task. This principle was firmly laid down in writing in a correspondi Fuehrer decree of January 1940. Any violation of it was subject to prosecution by court-martial.

6. The holders of the head positions came to their posts by order without having been asked before whether this post suited them or not.

In an "organization" or "group" it can only happen that one first becomes a member and is then offered an office the acceptance or rejection of which one is at liberty to decide for oneself. In the case of the holders of the positions in the alleged "group" things were entirely different. They were not first admitted to the alleged "group" as members and then offered some post which they could accept or reject, but without being asked they were order to assume a post and thereby they are said, according to the indictment, to ha got into a post within an alleged "group". From this, too, it follows that the holders of these head positions cannot even be compared with an "organization" or "group".

7. There is no declaration of resignation for an officer in any army in the world. He may request his discharge and it will then be approved or rejected. In wartime in every country honour dictates the duty which every officer has towards his people not to retire voluntarily from war service. A request for discharge is already rendered more difficult when it can only be made by the - scarcely honest - roundabout way of stating that physically or mentally one no longer feels equal to one's position. Such a roundabout way was not possible for a general who felt in full possession of his mental and physical strength. Apart from this there existed a Fuehrer decree which prohibited the tendering of requests for discharge under the threat of prosecution by court-martial.

In summing up it must be stated that none of the criteria of an "organization" or "group" can be applied to the alleged "Group OKW and General Staff".

The alleged "Group OKW and General Staff" cannot be compared with the ot indicted "organizations" such as SA and SS.

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It was in principle an entirely different matter.

The organizations mentioned pursued a specific political purpo
Their members joined the organizations voluntarily, they were closely connected with each other by the common tie of National-Socialist ideology, o joining they put themselves under special obligations and bonds of a political nature and in the case of the SS even had to take a special oath to the Reich Fuehrer.

None of this applies to the holders of the military high posit They only fulfilled the military tasks belonging to their positions, they ha no political obligations or tasks of any kind and were not bound together and united by the tie of a uniform ideology. They did not report voluntarily to t over a position, but were ordered to do so and were as officers subject to obedience. In other words, they had to accept the position and had no possibi of giving it up of their own accord.

Consequently, one must completely reject any comparison with t other indicted organizations as well as the existence of any "organization" or "group".

This rejection holds even more true for the existence of a "conspiring group".

One of the main characteristics of a "conspiring group" is that the group is maintained as much as possible without any change in the fellow-conspirators. This criterion in no way holds true for the alleged "group". On the contrary, changes occurred here so frequently that they had unfavorable effects in a military respect. Thus, for instance, both my predecessors as commanders-in-chief of the First Army only held their posts for three months each and I myself was commissioned with the leadership of the First Army for exactly three months too - from 1 December 1944 until 28 February 1945 - , to lead the 19th Army afterwards for three weeks and to be appointed subsequently as commander-in-chief of the 7th Army.

Finally, the presumed composition of the alleged "group" speaks against its character as a group and against a "conspiring group".

In addition to personages wh , according to their position and view of the time during which they held their positions may have participated the acts of which the alleged "group" is accused,
among the alleged "group" there were also personages included who cou not have had a share in these acts at all, since at the time at which these imputed acts might have been committed they were not yet in one of the head positions and later when they were ordered into such head positions could not have committed war crimes of the kind mentioned in the indictment because the prerequisites for such crimes did not exist.

Thus, for instance, it was not until 1 December 1944 that I personally was commissioned with the leadership of an army in the West, i.e. at a time when an aggressive war was no longer planned, prepared, unleashed or wage Also war crimes in which ruthless methods were employed against occupied countr and their populations and in which international conventions were violated and also domestic penal laws and the general principles of criminal law, such c could not have been committed by me at all because the units of my armies were still fighting then only on German soil.

Therefore, since I as a commander-in-chief had no possibilit at all of participating in the acts of which the alleged "group" is charged, but since I have been included in the alleged "group",

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the existence of this alleged "group" and "conspiring Group" is refuted by these facts for such a group will not admit into its ranks a person wh cannot serve its plans and aims and who, therefore, constitutes only a useless burden.

(signed) v. Obstfelder

Subscribed and sworn to before me
this 3rd day of July 1946
at Dachau.

(signed) Hay Szonger

Capt.A.C.
Investigation-Examiner
War Crimes, Dachau.

I, Horst von Mellenthin, being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit of the General of Infantry Hans von Obstfelder.

(signed) H.v. Mellenthin

General of Artillery.

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Georg von Kuechler
General Fieldmarshal

Neu-Ulm, 1 May 1946

A f f i d a v i t

Concerning: "The Concept of: "Formation of Groups"

I, General Fieldmarshal von Kuechler, Commanding General of an Army Corps, Commander-in-Chief of an army and of the Army Group North from 1 April 1937 until 30 January 1944.

being duly sworn depose and say:

"It is an error of the prosecution to consider the circle of higher officers, which in the indictment is designated by "Group OKW and General Staff", as "group" in the sense of a "league" or "secret league". The truth is that the indicted persons - apart from the fact that they all were officers - were not connected among each other by any sort of links. All external and internal characteristics to that effect are lacking.

Therprerequisites for the formation of a "league" or a "group" are, that persons who share the same convictions voluntarily associate with a definite purpose and the pursuit of a common aim, that meetings take place where ideas are exchanged, problems discussed and aims determined as well as that their members have the liberty to withdraw from the association if due to reasons of conscience and other reasons they think that they can no longer follow the leadership of the "league" or its aims.

All these characteristics do not apply to the circle of higher military leaders as designated in the indictment.

All generals in questionsbecame officers by their own decision at the beginning of this century. They took up this profession - like probably all officers in the whole world - out of inclination and like for military life in order to serve their fatherland by exercising this profession which is highly esteemed in all civilized countries. It is erroneous to draw from this voluntary choice of a profession the conclusion as to a criminal character, since it would discriminate against all professional soldiers of the world.

These officers did not ascend voluntarily to their high position of leadership, but - without being consulted - they were designated their positions according to their aptitude and promoted to their ranks according to their age and their abilities.

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Many of the higher military leaders hardly knew each other, or perh by name only, not many were better acquainted or were closer friend I, for example, had no close connection and was not especially frie with any of them. There can be no question of an equally fixed poli opinion or common political ideal or uniform purpose among them. So -brought up in the old tradition- were inclined towards a monarchis form of state, others believed in a republic, only solitary cases w convinced National Socialists and followers of Hitler, to many the of government was a matter of indifference, they merely served the cause, the people to whom they belonged, the fatherland. It is erro to think that elements, which were so different by birth, education religion and political opinion could have got together of their ow accord or by an order from Hitler to form a group or a "league'.

The only task these officers had in common, and that was expec of them, was that they should become military leaders. Their training served this purpose. They were judged and selected according to the accomplishments in this field, as is the case in all the armies of world.

Meetings between these higher military leaders at regular or irregular intervals took place just as little as any written exchan of ideas on political or military matters, unless perhaps by some individuals who corresponded privately.

In retrospect, it must be considered a very regrettable thing that a union of generals -as inferred by the prosecution- never exi If there had been such a "league", there would have been a possibilit in it of expressing the thoughts of all the individual generals as will of the whole. Had a "league" like that existed we might have bee fortunate enough to avert the war by our collective power of remonst ration; and if the power of conviction had no effect, then stronger means could have been applied with the support of all the generals. However, since a "league" of generals or higher military leaders did not exist, every one of them depended on himself for his actions. T was no closed entirety only detached individualism.

During the years of the Hitler regime, a period of suspicion fr above and of spying by the Gestapo, all ties were prohibited anyway which might have seemed like conspiracy or mutiny, and which could have shaken the structure of the young Wehrmacht which was in the making, a structure which had to be built up on discipline.

It must be noted, too, that the German officer, as experience h shown -perhaps it lies in the national character- lacks the sense ar skill for revolutionary and secretive machinations.

The only meetings the higher military

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leader had were on the few occasions when they were summoned by Hitler. On these occasions there were no consultations, no problems were discussed and no plans were debated, altogether no opinions were asked at all, only Hitler lectured on his opinion as to the political and general military situations, he developed his views like a dictator, allowing no contradiction. After such lectures each of the higher military leaders was eager to reach his service postagain and discussions among them did not take place.

It was just as impossible for the higher military leaders to leave their positions voluntarily as for all the other soldiers serving in the Wehrmacht. In peacetime one could only leave on account of illness which prevented any capacity for further service or because of compelling personal reasons of a special kind. In wartime a voluntary withdrawal was altogether impossible as long as there was any opportunity of doing further service, only proof of a grave physical or mental disability could justify voluntary departure. A higher military leader could not voluntarily disregard the soldier's stern law to serve his fatherland in case of emergency, however little he liked the course of political events. And this emergency became apparent after England and France had declared war, for now everyone could see clearly that for the fatherland this war was to be a struggle for existence.

The higher military leaders - who all went through the terror and suffering of the first world war - mostly as officers at the front - all loathed the idea of the Polish campaign and considered it a political mistake, but now that England and France had entered the war, every German, and especially every soldier, had to forget his personal feelings and to do his duty in the hope that in spite of Germany's unfortunate central position and the superior strength of the enemy countries, it would through holding out in a long war arrive at a tolerable peace by compromise. The demand by the Allies which they declared from the start: unconditional surrender or defeat, left no hope for an agreement. And what general in the world, with a well-equipped army behind him could have mentioned the word capitulation right at the beginning of the war even with all the reasons for its doubtful outcome? In this situation a voluntary withdrawal from one's service duties seemed unthinkable. Not for the sake of Hitler and National-Socialism did the higher military leaders hold out in the war, but because they saw the threat of hardships in the Fatherland and the ghost of enslavement if there were an early end to resistance.

No, "league", no "Group" nor any kind of "Association" guided the higher military leaders, only the will of each individual to serve the Fatherland

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to the best of his ability. The supposition expressed in the bill of indictment that the "O.K.W. and General staff" were united in one "group" is further refuted by an order from Hitler according to which each officer might only be initiated into the details of a situation or set of plans in so far as they concerned his particular task and were absolutely necessary to him for the execution of the duties incumbent on him in his service. This order denied the higher military leaders any insight into political and economic events and into the achievements of the armament industry; they lacked all possibility of judging German's war potentiality as regards personnel and material. Had the O.K.W. and the General Staff been united in a "Bund" or "conspiracy", then this secrecy would have been senseless. It only shows how suspicious Hitler was of the generals.

I repeat my previous assurance that the group of officers which is termed "O.K.W. and general staff" in the indictment, did not have any connection with each other by any kind of ties."

signed. Georg von Kuechler
Generalfeldmarschall

Subscribed and sworn to before me this 5 day of July 1946 at Neu-Ulm, Germany.

Joseph J. Ancell J.R.Inf.
2nd Lt.
Commanding officer 0133290

#3

General Gerhard Raus
Nationality: Austrian

Dachau, 3 July 1946.

A f f i d a v i t

concerning: "Group"

"I, General Gerhard Raus being duly sworn depose and say:

My statements cover the period from 1938 to 1945 and my official positions from Colonel to General.

Automatically transfered with the Austrian Federal Army into t German Army, I was not bound to the latter by either tradition or personal or other relations. I did not know the Fuehrer and was neve a member of the NSDAP.

Having been placed in the personnel reserve of the army and re ed during 1½ years I received only on 1 September 1939 the first official position within the organization of the German Army as chi of staff at the headquarters of the Military Area XVII in Vienna. I did not participate in the planning of wars, neither before nor afte the Anschluss of Austria. Having been appointed regimental commander after 8 month and brigade commander in 1941, I was committed to the Eastern front where, in the course of the war, I was promoted to comman in-chief of an armored army after having been divisonal commander ar commanding general. Solely and exclusively the professional evaluati of superiors previously unknown to me led me up to this position and thereby to the indicted group, "OKW and General Staff".

My entry into this so-called group was not voluntary and did in no way differ from the way I arrived at my previous official positio or my work in them. Only the sphere of activity became larger. Refus an official position or resigning from it was prohibited.

As commander-in-chief I was not present at a single Fuehrer con ence and in general during the whole war I participated only in two OB-conferences at which more than 2 commanders-in-chief -5 was usual the maximum- were present. During all conferences only the execution of tactical orders was discussed, planning on a large scale was neve undertaken. Nor were propositions discussed or presented at any time which were in violation of the rules of warfare or against humanity.

Therefore, to my knowledge, there was neither a "Group of Cons- pirators" nor an organizational "Group OKW and General Staff", which would depend on personal, tactical, political, spiritual or other common interests or by a voluntary union.

Signed: Raus
General

Subscribed and sworn to before me this 3rd day of July 1946 at Dachau

Signed: Signature
Capt.

Investigator Examiner War Crimes Dachau

I, Horst von Mellenthin, being thoroughly conversant with the Englis and German languages, certify that I have acted as interpreter for t swearing of the above affidavit of General Raus.

Signed: H.v.Mellenthin
General of the Artillery

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Walther Wenck, General of the Armored Troops

Steinlager Allendorf, 17 June 1946

A F F I D A V I T

I Walther Wenck, general of the armored troops, being duly sworn, depose and say:

I declare the following as an example of the arbitrary composition of the so-called "group" General Staff and OKW:

I, who am listed in the "group" which never existed, was entrusted on 7 April 1945 with the formation and subsequent command of the 12th army. The formation of the army was ordered at a time when the Allies had crossed the Rhine/the e and when the Red Army was about to start its offensive to the west across the Oder.

The divisions which were to be combined to form the 12th army were new format which were distributed at their stations over the whole of the still unoccupie German territory. Because of the rapidly developing war situation and the occu ation of further German territories, only 3 out of these 8 divisions could be united in the Elbe-Mulde area, on both sides of Dessau, under the command of the army head-quarters. The other divisions went partly into combat at the place where they were stationed under the command of other head-quarters in Nor Germany, Central-Germany and South-Germany.

From 11 April 1945 I was obliged to place along the Mulde Elbe line the first parts of the divisions which were drawn . . up around Dessau. From this time on I took over the command of a combat sector. Up to the end of the combat activities on 7 May 1945 a few more fractions of different troop units from th eastern and western fronts were added and were combined under the name of the 12th army.

The result of this was that during the 4 weeks the 12 th army existed

a) it was never properly incorporated in the frame-work of the army, which had been planned.

b) it fought only in a limited area of the German territory.

sgd. Walther Wenck

Subscribed and sworn to before me this
17th day of June 1946
sgd. illegible 0541390
2nd Lt. Inf.

H5121-0024

A f f i d a v i t

Re. Elucidation of my affidavit of 10th November 1945.

I, Johannes Blaskowitz, General, being duly sworn, depose and say:

In the last sentence of my statement of 10th November 1945 (Affidavit No. 5 of the Document Book of the British Prosecution) I spoke of a "Group", which was actually the advisory circle of the German Armed Forces.

This description, and in particular the designation "Group", is liable to give rise to misunderstandings. As a matter of fact there was no "group" which was the advisory circle of the OKH or advisory circle of the OKW. Commanders at the front were not consulted when decisions were made concerning intended operations or when dealing with other military matters by the higher Armed Forces Operations Staff, nor were they called upon as advisors.

Commanders at the front were, rather, only counsellors to their superiors, and then only on matters that concerned them, and expressed themselves as "advisors" in the execution of the orders they had already received.

This occurred when they spoke personally at their command post or headquarters and even then only in writing, expressing their ideas, conceptions and proposals for the execution of commands they had received or about operational situations and the handling of them in their own command-sphere.

The present affidavit's purpose is to make clear the restriction I made use of in my affidavit of 10th November 1945: "In their sphere" (meaning commanders at the front). What I state in today's supplementary declaration should be included in the restriction. There can be no thought of advice from a commander at the front coming within a "group" or an actual "advisory circle". Both expressions might be misunderstood; they should only designate a circle in which individual advisers could be heard by their superiors on matters affecting the individual's sphere.

Dachau, 16th July 1946. (Signed) Johannes Blaskowitz

Subscribed and sworn to before me this 20th of July 1946 at Camp Dachau.

(Signed) Harry Szanger
Captain A.C.
Investigator-Examiner
War Crimes Dachau

I, being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit of Generaloberst Blaskowitz.

(Signed) v.MELLENTHIN

#115

Erwin R a u c h
Lt.General

New Ulm 23 June 1946

A F F I D A V I T

Subject: Shortcomings in the preparation of war.

I, Lieutenant General Erwin Rauch , employed from 1927 t 1934 with the service command III (Wehrkreis III), being duly sworn, depose and say:

On the occasion of a conversation with the Chief of the "Truppenamt", Maj.Gen.Freiherr von Hammerstein (later Chief of the Army Command) I asked him what the preparation for the formation of 21 divisions means, since one cannot wage a war with 21 divisions.

von Hammerstein replied:

"all these preparations have the only purpose to be able to send at least something against the Poles in a possible att in order to hold them until the League of Nations intervenes for us.

This discussion took place approximately in the year 19'

signed Erwin Rauch

Subscribed and sworn to before me this 23rd day of June 46 at Neu-Ulm, Germany

/s/ Joseph J. Ancell jr.
2nd Lt., Inf., Commanding officer
serial No. 01332909

H5121 - 0025

175

Georg Seegers
Major General

Neu-Ulm 5 July 1946

A F F I D A V I T

Subject: Jews in the Army.

Maj.Gen.Georg Seegers, from 1937 to 1940 captain and Major, competent staff officer in the Army Personnel Dept. 2 being duly sworn depose and say:

From 1937 to 1940 I was as the competent staff officer in the HPA and charged with checking the German racial descent of the active officers.

The racial tendencies in the ideology of the NSDAP did not find their way into the Armed Forces. The officers with Jewish blood relations remained after the assumption of power unmolested in their positions. The Nuernberg Laws too, promulgated in 1935, did not bring any change in this condition.

It was only in 1938 that, by special decree issued by the Reich War Minister on orders of the Fuehrer, the dismissal of those active officers was ordered who themselves or whose wifes had Jewish blood relations.

Until that time the officers were judged solely by their character and military skill. This principle was retained and everything possible was done to retain the officers concerned for the Army. As far as I can still remember there were about 100 to 150 involved.By overcoming the greatest opposition and difficulties, especially on the part of the NSDAP we could finally succeed in obtaining the approval for keeping about 90% of these officers and for their further promotion. They and their wifes and children, upon the proposal of the HPA (Army Personnel Dept) were by the Fuehrer put on the same status with all rights and duties, as persons of German blood.

H5121 – 0026

H5121 - 0027

In the end only those were dismissed who did not come up to the requirements in personality and skill, required of an officer of the next higher rank.

signed Georg Seegers

subscribed and sworn to before me this 5th day of July 1946 at Neu-Ulm, Germany.

signed Joseph J. Ancell jr.
2nd Lt., Inf., Commanding offic
serial No.ol 332 909

H5121 - 0028

No. 382 of the document file for 1946

F i r s t C o p y !

Done at Kassel on 4 July 1946

Before the undersigned notary

Dr. juris Bastiaan P o c h m a n n

with his office in Kassel

appeared the personally known,

Baroness Margarete, called Margot von Schutzbar-Milchling, widow of the chamberlain and captain (cav.) ret. Rudolf von Schutzbar-Milchling, resident at Castle Wemmen,

deposes and says:

Through a letter dated 27 May 1946 of Mr. Achim O s t e r, then resident of Goetzenburg near Jägsthausen I learned that a letter, allegedly addressed to me by the fallen Colonel General (Generaloberst) von F r i t s c h , dated 11 December 1938 was submitted by the prosecution to the International Military Tribunal in Nuernberg. It is said the letter states among other things:

"...Shortly after the world war I came to the conclusion that we had to win three battles if Germany was to become powerful again: 1) The battle against labor- Hitler won this fight - 2) against the Catholic Church, or perhaps better against ultramontanism and 3) against the Jews ..."

I herewith state solemnly and under oath, having been thoroughly informed of the significance of the oath and knowing that the giving of a false statement under oath results in consequent severe punishment and being also aware that a copy of this affidavit is to be submitted to the International Tribunal in Nuernberg, as follows:

H5121 - 0029

To the best of my knowledge and judgment I can certify that I have never received a letter from Colonel General,(General-oberst) von Fritsch, which contained the phrases:

"...Shortly after the world war I came to the conclusion that we had to win three battles if Germany was to become powerful again: 1)The battle against labor- Hitler won this fight - 2)against the Catholic Church, or perhaps bette against ultramontanism and 3) against the Jews/."

I can naturally not say any more to-day whether I received any letter at all dated 11 December 1938, especially not, because already a year ago I handed over a large part of Colo: General von Fritsche's letters received by me to the "Headquart VIII Corps Assistant Chief of Staff" in Wommen.

Considering the entire contents of Colonel General(General-oberst) von Fritsch's letters and also in view of my knowledge of his personality and his points of view, I deem it absolutel impossible that a phrase as reproduced above can be contained in a letter of Colonel General (Generaloberst) von Fritsch. Should such a letter nevertheless be submitted, I must consider it a forgery.

For the sake of competences, I wish to say in addition that I received Colonel General von Fritsch's letters partly via mail and partly also via courier and it is naturally not entirely impossibel that a letter dit not reach me at some time. But among those received by me as stated above, there was definitely no letter which contains the passage: "Shortly after the world war I came to the conclusion etc..."

I am also prepared, if this should be necessary, to confir this under oath as witness before the Inter-National Tribunal in Nuernberg.

I furthermore state on oath that through the above state-ments no property, blocked by the Military Government, will l affected, reduced or otherwise projudiced in any way.

H5121 - 0030

The statemant has been read by the notary to the affiant, approved by her and signed in her own hand as follows:

signed Margarete, called Margot von Schutzbar-Milching

signed Dr. jur. Bastiaan Pechmann
Notary

Cost:

Value: 3.000 RM

Fee ? 43,1 RKO 16,-- RM

signed : Dr. Pechmann
Notary

A first copy of the above protocol was handed to Barone Margarete called Margot von Schutzbar-Milchling, Widow of the chamberlain and captains (cav) ret. Rudolf von Schutzbar-Milchling, resident at Castle Wommen.

Kassel, 4 July 1946.

signed: Dr. jur. Bastiaan Pechmann

Notary

210

Friedrich Hossbach Goettingen, 18 June 1946
General of the Infantry retired

I depose and say in place of oath:
In the session of 5 November 1937, I did not take a protocol Several days later, I took down notes of the session from memory to the best of my knowledge the contents of which I believed to represent the statements of Hitler authentically. I personally have made no copies of this handwritten note, nor did I ever have any copies made.

I informed Hitler of the existence of these notes and twice requested him to read them; but he rejected this with the remark that he had no time.

I do not remember whether I was able to present the notes to Col General Freiherr von Fritsch, who at that time was about to journey to Egypt. It is certain, that I presented the notes to General Beck, upon whom the contents of the reproduced statements of Hitler had - in Becks' own words - a "crushing" effect ("niederschmetternd"). Thereafter I presented the notes to Blomberg and I believe that he read it and in his customary manner affixed his initials -Bl- with a green pencil on the first page. The notes then were finally kept in Blombergs possession. The contents of the notes have not been acknowledged by the signature of any of the participating members of the session. It is beyond my knowledge, in what manner one or more typewritten copies of my handwritten notes were made. Based upon the photostati copy, presented to me during examination on 13th, 14th and 1 March 1946, I expressed the opinion, that I could not say with certainty, whether the photostatic copy presented an exact word by word reproduction of my notes, that however i substance I assumed it to be a reproduction of my own notes according to the contents, composition and style, and that, when I read the copy, i.e. when it was read to me, I began to remember certain parts of the contents, while others I remembered only vaguely or not at all.

For example, I have stated:
"I do not remember, that v. Blomberg and v. Fritsch have made such remarks as are denoted on page 11 of the document (photostatic copy). I am certain however, that remarks denoted there, express doubts against Hitler's plans, and I know that this was the opinion of the generals named."

H5121 - 0031

H5121-0032

The fact was suspicious that Hitler refused to go through my handwritten notes, that his assertions of mistrust against th army increased exactly during this period, in question, that Fritsch was spied on by the Gestapo already during his journe to Egypt (November/December 1937)- a fact which has come to my knowledge only on the occasion of the court martial of Fritsch (March 1938) - and that Hitler, when Fritsch reported back from Egypt dropped "mysterious hints" about monarchistic intrigues in the army, with which - as Fritsch told me - Hitler thought I was connected. Looking back, these signs wer the forerunners for a change of system in the Wehrmacht on 4 February 1938.

In the session of 5 November 1937 Hitler had heard neither applause nor confirmation but opposition founded on factual reasons by both generals and he knew that their attitude was principally against war. The aftereffect of this session on the part of Hitler may have probably been determination to ge rid of at least Fritsch and to accomplish a change of course in the Wehrmacht. In the problem of "Czechoslovakia" Hitler kept completely silent after the conference of 5 November 1937, and I never heard about it any more up to the time of my leaving Adjutancy of the Wehrmacht (28 January 1938).

Blomberg was permitted to run into the scandal of his second marriage bring about his downfall by his own guilt and welc this opportunity to get rid of the trouble-some C-in-C of the army, Colonel General Freiherr von Fritsch. This overthrow of Fritsch, accomplished by criminal methods on the part of Hitl Goering and Himmler, the forced resignation of a number of generals and my own withdrawal demonstrated clearly and publicly, that between the leaders of the army and the political leaders there existed "community of criminal character", whereby I do not include in the army the later Field Marshal Keitel.

signed: Friedrich Hossbach

The signature of Friedrich Hossbach of Goettingen General (Ini ret. is hereby recognized and certified by me

at Goetti en on this 20 June 1946
No 79 of the document list of 1946

(Stamp)

signed: Dr. Haesemeyer
Notary
Goettingen

H5121 – 0033

E r r a t u m

to Affidavit Gen.Staff (O.K.W.)
No.210 (Hossbach).

Page 2 last sentence should read:
This overthrow of Fritsch, accomplished by criminal methods on the part of Hitler, Goering and Himmler, the forced resignation of a number of generals and my own withdrawal demonstrated clearly and publicly, that between the leaders of the army and the political leaders there did not exist a "community of criminal character", whereby I do not include in the army the later Field Marshal Keitel.

General Staff & OKW Affidavit No. 301b

ZEITZLER Kurt --- Rotenburg/Hanover, 8 July 46.

Urgent!

Attorney-at-Law Dr. Hans Laternser,
c/o. Sebald, 168 Fuertherstrasse,
NURNBERG.

Dear Herr Doctor,

I received your letter of 24 June on 4 July 1946 and thank you for same.

As to the question of the commissary's command in your first letter, I only comprehended it in the light of the origin of the command.

As regards the time after the command was given out, I can state the following facts, as far as I can remember them:

When the command was published I was - just like my Commander-in-Chief at that time Field Marshal von Kleist (as he will himself testify) - a very sharp opponent of this command. I also did not hesitate in condemning it and when the Chief Adjutant of Adolf Hitler, General Schmundt, visited us I spoke out very plainly about it. I have always maintained this view of the matter.

After I took up my duties as Chief of the Army's General Staff I had a private conversation with Adolf Hitler, and a very plain and outspoken one, regarding this command and I explained matters in detail, from all angles. Adolf Hitler was at the time - as I remember - very much impressed by it. That struck me because he otherwise never changed his opinion in such matters and cut short any person if such matters were referred to. For that reason I referred to it several times and I believe I altered his opinion.

As I have no proofs here and can only quote from memory, I do not know precisely the time of the conversations and the cancelling of the command, but I should like my memory to be refreshed and should be grateful, therefore, if you would send me a copy of the cancelling of the command in question.

I will then send you the statement, with the exact dates, at once. In the meanwhile you can use this as provisional proof.

The answering of your letter has been somewhat delayed, as my health has again been worse during the last few days.

Thanking you, and with a hearty greeting, I am,

Yours faithfully,

(signed) ZEITZLER.

I should be obliged to you if you will kindly acknowledge receipt of this at once.

H5121-0034

H5121 - 0035

General Staff and OKW Affidavit No. 324A

General W. Nehring. Camp Dachau 3 July 46.

I, General Walther NEHRING, being duly sworn, depose and say:

A F F I D A V I T

Re: "Commissar Order" (Kommissarbefehl)

I, Walther Nehring, General of the armored troops, from 22 June 1941 to the end of January 1942 Commander of the 18th Armored Division in Russia, declare in lieu of oath and according to my best knowledge and ability, the following as regards the declaration of Harry Marek, member of the headquarters company of the 18th Armored Division.

1) Classified as "Secret" the so-called "Commissar Order" was forwarded to me, shortly before the beginning of the Russian Campaign, presumably by my superior Command, HQ. XXXXVIIth Armored Corps. I can no longer name the day, it was about the 20th or 21st of June 1941. Attenuating supplementary orders of superior agencies were attached, which had the purpose to limit its effect contemplated by Hitler. Remonstrances on my part were therefore superfluous. I no longer remember any details on this subject. My personal attitude with respect to this order and that of my general staff officer (Major Estor) were entirely negative, since, according to our conception it violated the rules of warfare and the laws of humanity and besides, seemed to us a very short-sighted measure.

At the occasion of a conference, this conception showed itself to be identical with that of my commanders, with whom I agreed not to forward the contents of the Hitler order and to consider it only as a verbal personal instruction. It was dealt with accordingly. To my knowledge, no commissar has been shot in the area of the division, at the time or waswhe made prisoner, especially since the commissars had removed their insignias, because the order, despite the fact that it was supposed to be kept secret, seemed to have spread like wild-fire along the entir Russian front and in the course of also became known to our own troops.

2) The members of the Divisional Headquarters Company of the 18th Armored Division have without any doubt not been informed in the alleged form.

a) The Commanding Officer of the Headquarters Company, first lieutenant (reserve) Count Rehbinder, did not participate in the conference since he did not belong to the commanders, thus was not informed of it.

b) Within the staff of the Division, the contents of the Commissar Order was known only to a small circle, as usual for classified matters (1a, 1c, administrative officers 1a and 1c probably the military judge as well as perhaps the 1b).

c) The task of the Divisional Headquarters Company was not at all to fight, but to perform the internal service of the staff (clerks, orderlies, drivers, guards), thus there was no reason at all that they be instructed in the alleged form.

d) The senior officer of the staff, the 1a (Major Estor) was an absolute opponent of the order, thus was against its publication just like myself.

Besides the reservations outlined under (1) we did not fear any endangering of the discipline.

3) The soldier Hans Marek is unknown to me. He speaks in a very inaccurate manner of "our officers", but there was only one officer in headquarters company. I have the

H5121-0036

impression, that his declaration after such a long time, confounds without any bad intention, inaccuracies, rumors and facts, so that he mistakes "gossip" conditioned by war psychosis for the precise concept of "order". An "order" is impossible because none was issued. But it is possible and probable that the clerks, drivers and orderlies - to whom Marek might even have belonged - might have picked up - and talked about fragments of discussions between officers concerning the original order, which the latter had considered critical. From this gossip of the headquarters company made an "order of our officers which in reality did not exist and could not exist!

Witnesses: 1) Present Colonel in the General Staff Estor (then Ia)

2) Present Captain (Reserve) Baron A. v. Seebach (Ic)

3) Present Major (Reserve) Count Rehbinder (Headquarters commandant)

4) During the war the fact became evident again and again that orders, which morally concern all soldiers, cannot, despite all measures taken, be kept absolutely secret. From fragments subsequently seeping out and often misunderstood every body forms for himself a picture, which suits his conception or which seems correct to him; and thus the worst rumors are started.

Signed: Walther Nehring

Subscribed and sworn to before me this 3 day of July 1946.

(Harry Szanger)

Investigator Examiner,
War Crimes Dachau.

I, Hosrst von Mellenthin being thoroughly conversant with the English and German languages, certify, that I have acted as interpreter for the swearing of the above affidavit of General Walther Nehring.

Signed: H.v. Mellenthin

General of Artillery

I, Annemarie C. CATLIN, X-046172, herewith certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of document.

Annemarie C. Catlin,
X-046172

22 July 1946.

H5121-0037

Hans Schrepfler

Brigadier-General

Neu-Ulm. 22 June 1946

A f f i d a v i t

Re: "Commissar Order" (Kommissarbefehl)

Brigadier-General Hans Schrepfler

in his capacity as C.O. of the Infantry Regiment 101 -

18 Armored Div. during the period from June 1941 - August 1941.

being duly sworn, deposes and says:

At a conference of Commanding Officers, two days approximately before the beginning of the Russian campaign, the Division Commander made known the "Commissar Order". He expressed himself to the effect that this order was not to be transmitted to the troops. Captured Commissars should rather be moved to the rear. This order was actually followed. During the period I was in charge of the Regiment, no shooting of Commissars did take place.

I still remember quite well two cases in which I ordered captured Commissars be treated in exactly the same manner as other prisoners of war, that is, to be sent back from the front to the P.W. collecting point.

Hans Schrepfler

Brigadier-General

Subscribed and sworn to before me this 24 day of June 1946 at Neu-Ulm, Germany.

Joseph J. Ancell Jr.
2nd Lt.Inf.Commanding Officer

Serial No.

I, BERT STEIN, B 210 875, herewith certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation of the document.

BERT STEIN
B 210 875

H5121 - 0038

GENERAL STAFF AFFIDAVIT No.3240

Kurt Laube
Major

Dachau, P.W.E. Camp Z

I, Kurt Laube, Major, being duly sworn, depose and say:

Affidavit

Subject: Commissar Decree, statement concerning declaration of Harry Marek of Eliass near Breslau.

I, Kurt Laube, Major, was from June 1941 until March 1942 in command of the 12th Infantry Anti-aircraft Regiment, was temporarily in action with the 18th Armored Division in Russia, and I declare to the best of my knowledge and ability:

On the afternoon of 21st of June, 1941, at a meeting of Commanding Officers, Brigadier General Nehring, commander of the 18th Armored Division, informed the other commanding officers of the Commissar decree but only verbally for their information and with the order that it was not to be carried out. Therefore, as far as I know, no Commissar was shot while being taken prisoner or thereafter in the area of the 18th Armored Division.

The statement of Harry Marek is incorrect and erroneous. It contradict the orders I heard and which were given by the commander of the 18th Armored Division, Brig. General Nehring.

Kurt Laube

Subscribed and sworn to before me this 3rd day of July 1946

HARRY SZANGER
CAPT. A.C.
Investigator Examiner
War Crimes Dachau

Stamp: International
Military Tribunal

I, Horst von Mellenthin. being thoroughly conversant with the English and German languages, certify, that I have acted as interpreter for the swearing of the above affidavit of the Major K. Laube.

s/ MELLENTHIN
Gen. of the Art.

I, DOROTHY PLUMER, USFET 482, herewith certify that I am thoroughly conversan with the English and German languages; and that the above is a true and correct translation of the document.

Nuernberg, 22. July 1946

DOROTHY PLUMER
USFET 482.

H5121-0039

General Staff & OKW Affidavit No. 333.

Guenther Pape
Brigadier General

Neu-Ulm, 23 June 194

Affidavit

Re: "Order for the treatment of Kommissars"

Brigadier General Guenther Pape

in his capacity as commander of the Motorcycle-Battalion 3, Reconnaissance-Battalion 3, and commander of the Armored Inf. Regiment 394 in the period from June 1941-1943

being duly sworn, deposes and says:

The "Commissar Order" was not made public in any way by the 3rd Armored Division to which I belonged uninterruptedly duri the period indicated above, neither before the beginning of the Eastern campaign nor during its course. The Division had only given the order that Commissars were to be specially guarded and brought to Division Headquarters. This order was actually carried out in my Battalion and later on in my Regiment. As far a I know, captured Commissars were interrogated at Division Headquarters and then sent to the rear.

Guenther Pape
Brigadier-General

Subscribed and sworn to before me this 24 day of June 1946 at Neu-Ulm, Germany.

Joseph I. Ancell Jr.
2nd Lt.Inf. Commanding Officer
Serial No 01332909

I, Dorothy E. Plummer, USFET 482, herewith certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation.

20 July 1946

DOROTHY E. PLUMMER
USFET 482

H5121-0040

General Staff & OKW Affidavit No. 336.

Eduard Hauser
Major General

Neu-Ulm, 24 June 1946.

A F F I D A V I T

Re: "Commissar Order" (Kommissarbefehl)

I, Major-General Eduard Hauser, Commander of the 18th Armored Regiment 18th Arm. Div. during the period from June-August 1941, being duly sworn, depose and say:

On the occasion of receiving orders from the division commander, the "Commissar Order" was also made known. Following the recommendation of the division commander, the order was not transmitted to the troops but instead he ordered that all prisoners, commissars included, be sent to the rear. In my regiment this order was complied with.

Hauser

Major General

Subscribed and sworn to before me this 25 day of June at Neu-Ulm, Germany.

Joseph J. Ancell Jr.

2nd Lt. Inf. Commanding Officer,
No. 01332909

I, Bert Stein, B-210875, herewith certify that I am thoroughly conversant with the English and German languages; and that the above is a true and correct translation.

21 July 1946.

BERT STEIN
B-210875.

#501

Otto DESSLOCH, Colonel-general
30.10.39-3.4.42 Commanding general
A.A. Corps II
4.4.42-3.9.43 Commanding general
A.A. Corps I
19.9.43-27.4.45 Commander-in-chief
Air-fleet 4
Commissioned to the command of air-fleet 4 since June 1943.

P.W.E. 29 Cage 9/5

DACHAU 18.6.46

AFFIDAVIT.

Concerns: Administering of martial jurisdiction.

The rules of war were always observed and never violated by me during all campaigns, either on the Western or on the Eastern front. I cannot imagine that other commanders-in-chief would have done so, as it would have been in flagrant contradiction to the principles of all C.i.C. known to me. The sense of justice was so deeply rooted in the front troops that practically all punishable acts, committed by individual soldiers against the population, were reported, so that martial law proceedings could get started. The so-called "Barbarossa" order has, in contradiction to what could have been believed, changed nothing at all concerning the strict administering of martial law on the occasion of excesses against the civilian population. The higher-ranking commanders did not approve, on the whole, of this decree, and did not, therefore, make any use-or, at least, very reticently - of the possibility of leaving criminal acts committed against the civilian population unpunished. I have, as appointing authority (Gerichtsherr) of my A.A. Corps, never made any use of this Barbarossa decree, if for no other reasons, than certainly in the interests of the maintenance of discipline. Steps have been taken to ensure that individual appointing authorities did not go their own ways.

H5121 - 0041

H5121 - 0042

For instance, a regulation was in force in the territory covered by air fleet 4, that proceedings of this kind could not be quashed by the appointing authorities out of their own authority without having previously been submitted to me, so that I might exercise my right of instruction. The fact that, as far as I remember, not a single proposal for quashing has been submitted to me, but that proceedings always have been begun, speaks in favor of the uniform enforcement of the interpretation described by me. I do not think that such was limited to my own area of jurisdiction, but that it corresponded to a general custom. In such a way, the commanders-in-chief and the appointing authorities subordinated to them have divested the Barbarossa decree of its particular significance. No particular differences existed between judicial proceedings in the West and is not easy to quote actual examples for these general statements. If the documents referring to this period are still existing, I am of opinion that my statements made above could easily be proven.

At least, I should like to quote a few cases which I still remember and two cases which major-general Schulz, my former chief of staff, who is at present in the same camp as I am, recalls. Those instances show that the Wehrmacht courts dealt severely even with criminal acts directed against Jews.

H5121 - 0043

Affidavit : DESSLOCH .

1. In Spring of 1944, an A.A. battery had been transferred to Budapest and had been billeted there in a requisitioned Jewish dwelling house. The battery commander, a young first lieutenant, ordered some unwarranted requisitions of jewels and radios. A Jewess who wanted to lodge a complain was killed. The first lieutenant concerned was sentenced to death for this act, some noncommissioned officers and other ranks were sentenced to long terms of penal servitude. The sentence of death by shooting against the first lieutenant was carried out.

2. In Russia, a signal corps private who had raped an Ukranian woman, was sentenced to 2 years penal servitude.

3. A corporal was sentenced to several months inprisonment for stealing of foodstuffs, although he had received, a short time before, the iron cross 1st class for gallantry in front of the enemy.
Cases 2 and 3 : sentence passed by field court A.A. corps I.

4. 2 members of the 2nd parachute division got 6 and 9 months inprisonment for having jointly broken into a house and stolen there various objects of small value.
Sentence passed by field court 2nd parachute division.
Major general Schulz, Chief of Staff of Air-fleet 4, reports to me the following cases :

5. On the occasion of the transfer of the staff of air-fleet 4 from Mariopol to Essentuki - in October 1942 - the maintenance technical sergeant (Schirrmeister) of the air-fleet 4 command motor pool, a sergeant raped a Russian woman somewhere South of Rostow on the Don, threatening her with his gun. I cannot recall anymore whether the gun has been fired at a third person. For this crime, the sergeant was sentenced to a long term of penal servitude (as far as I remember, 12 years), expelled from the Wehrmacht and deprived of the right to bear arms.

H5121 – 0044

6. In the first months of the year 1943 - I cannot recall any more the exact date - two Luftwaffe privates, members of the Air Signal Corps (Luftnachrichtentruppe), grounded in a small locality North of Rostow on the Don, had killed some Jewish inhabitants. Both soldiers were indicted and sentenced for murder. I do not recall any more exact what sentence.

One could easily find more such cases by examining the files referring to these years. For the courts martial, the laws remained unchanged, and the proceedings were conducted, as a matter of principle, unobjectionably both in a material and a formal sense, and according to international principles. In the East, the Luftwaffe jurisdiction did not apply to the inhabitants.

(signed) : Otto Dessloch

Adjoining autograph
signature certified :

Clifford A. Merill,
Capt.,Cav.

H5121 - 0045

Major-general Karl Heinrich Schulz
PWE 29 Dachau Cage 2/5

Dachau, 16th June 1946.

To

Colonel-general Dessloch.

Concerning the question of punishment by court martial of excesses against the civilian population, I beg to point to two events, out of my activity as quartermaster-general (1.9.1942 - 1.3.1943) and Chief of Staff (1.3.19 - 10.4.1945) of Air-fleet 4 :

1. On the occasion of the transfer of the staff of air-fleet command 4 from Mariupol to Essentuki - in October 1942 - the maintenance technical sergeant (Schirrmeister) of the air - fleet 4 command motor pool (Fahrbereitschaft Luftflottenkommando 4), a sergeant, raped a Russian woman, somewhere South of Rostow on the Don, threatening her with his gun. I cannot recall anymore whether the gun was fired at a third person. For this crime, the sergeant was sentenced to a long term of penal servitude (as far as I remember, 12 years), expelled from the Wehrmacht and deprived of the right to bear arms.
2. In the first months of the year 1943 - I cannot recall any more the exact date - two Luftwaffe privates, members of the Air-Signal-Corps (Luftnachrichtentruppe), grounded in a small locality North of Rostow on the Don, had killed some Jewish inhabitants. Both soldiers were indicted and sentenced for murder. I do not recall any more the grade of the sentence.

(signed) : Karl Heinrich Schulz
Major-General.

H5121 – 0046

#503

General W. Nehring Camp Dachau, 3.7.46

I, General Walther Nehring, being duly sworn, depose and say
Subject: Handling Affidavit of Jurisdiction.

I, Walther Nehring, General of the Armored Corps, from 22.6. until the end of January 42 Commander of the 18. Panzer Division and from February 1943 until March 1945 (incl), Commanding General of the XXIV. Panzer Corps in Russia resp. on the Eastern front, state to the best of my knowledge. Against violations of international law, which became known to me, I always took all steps within my power, likewise my subordinate commanders had the same instructions.
Examples: 1. the sentencing of a soldier of the 18. Panzer Division to death, because he wanted to rape a Russian village girl and fatally shot her in the attempt. The sentence was confirmed by the Commanding General of the 2. Panzer Army, General-Colonel Guderian and carried out by the Division. Upon my special order, soldiers of every company and battery of the division attended (the execution) as eye-witnesses. Place of crime: west of Felnja. Time: End of July/beginning of August 1941. Court-martial counsellors: Dr. Holes from the army-court of the 2. Panzer Army. Appointing authority: Myself.
2.) Sentencing of a Sergeant and a Corporal of the Corps Hq of the XXIV Panzer Corps to long terms of inprisonment and degradation, because they raped Russian women at night in an intoxicated condition. The sentence was carried out, although both of them were good soldiers as such. Place of crime: Malirowka, Ukraine. Time: Jan/Feb 1944. Witness, Hq Commandant Captain (Res) Werning, now: Nordhausen/Harz, Rolandsweg

/s/ Walter Nehring

Subscribed ans sworn to before me this 3rd day of July 1946
(Harry Szanger) /s/ Harry Szanger
Capt AC
Investigator Examiner
War Crimes DACHAU

I, Horst von Mellenthin being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit of the General Walther Nehring.

/s/ H. v. Mellenthin
General of the Art.

5082

Ewald von Kleist
General Field-Marshal (Generalfeldmarschall)

Nuernberg, 28/5/1946

Affidavit

I, Ewald von Kleist, born 8 August 1881, state under oath:

Concerns measures against martial law and humanity.

A general who tolerates the crimes against life and property of the population committed by his soldiers, undermines the moral and discipline of his troops, he is then only a leader of pollagers. He must interpose against such crimes with great severity. That has been done by all commanders under my command and was watched over by me. In this sense I have also influenced again and again the commanders of Allied powers placed under my tactical command, Italians, Hungarians, Roumanians, Slovaks, Croatians, Flemings, and the Waffen SS. Loose tendencies, which were sensed in directives from above, are rejected. The regulations of the Geneva convention and of the Hague Agreement were binding and a foregone conclusion for me.

/s/ Ewald von Kleist

"Subscribed and sworn to before me this 27 day of June I, Emma D. Schwabenland being thoroughly conversant with the English and German languages, certify, that I have acted as interpreter for the swearing of the above affidavit.

/s/ Emma D. Schwabenland

/s/ Jack Wheelis, 2nd Lt., 01330498

H5121 - 0047

#513

Guenther Blumentritt
General of the Infantry

Nuernberg, 15-6-1946

A F F I D A V I T

I, Guenther Blumentritt, born 10-2-1892 in Munich, hereby state under oath:

Questions of international law in the staffs of the former German Army.

I am no lawyer, w s a soldier only. International law and martial laws played a still more import nt role in 1939/45 wit all belligerents, than in former wars.

My experiences as a soldier are as follows:

Each belligerent nation endeavoured to wage war according to the laws of war. Also the German Wehrmacht according to its tradition, however, all belligerent powers did not act according to martial law in specific questions, as can be seen from many authenticated examples. I see the following reasons:

1. The modern war, especially air-warfare with its destructive effects of carpet-bombing on cities and locations, often made it impossible to differentiate between civilian populatio and combattants. Even distinguished international lawyers vary in their opinions. Also the definition of "commandos" etc, their ways and methods of combat with which they actually operated brought doubts to the legal experts.

2. In contrast to 1914/18 , the illegal guerilla warfare was systematically called back into life in 1939/45, organised and armed, often under the leadership of the country concerned from outside.

Its ways and methods of combat cast new doubts for all belligerents as to the ways of combatting it.

In other words, I believe that the forms of modern warfare have grown above and beyond the existing laws of war.

H5121-0048

H5121-0049

Examinations of law of warfare in the German Army.

1. The higher staffs had at their disposal

A. Reserve-officers in their IC sections, who were lawyers in civilian life- judges, prosecutors, attorneys at law.-

B. Court-martial counsellors, court-martial judges, presiding judges for the usual legal questions. The majority consisted of called-up civilian lawyers.

But all of them lacked the special schooling in international law. On the other hand, competent judges and experts schooled in international law were with the OKW and also in France with the territoral military commanders for instance. Orders, which in addition to operative questions had to do with questions of international law were, therefore, handled with special care. Such orders were forwarded as draughts by the commanders in the field, i.e. front-line authorities, to the military commander for legal examination before distribution. In individual cases they were additionally submitted to the Fuehrer or the OKW for a second examination. The documents furthermore show, how often and conscientiously the highest authorities were questioned time and again, in order that no violations of international law would be committed by commands in the field.

From the sphere of jurisdiction of the C-in-C West I give the following examples:

A. Inquiry and proposition as to the "Commando" order at the start of the invasion.

B. Inquiry as to the conduct against the illegal resistance-movement in the west, after the proclamation by Eisenhower and De Gaulle became known.

C. Inquiry and presentation of orders combatting guerillas, especially when they were the result of direct and explicit order from Hitler, for instance in the West.

H5121 - 0050

These facts prove, how thoughtfully and conscientiously such questions were dealt with, in order not to provoke any unintentional encroachments.

I think, that this war has made it clear to all nations that the moders war and its aspects call totally new laws of war on an international basic and that the examination of is right and wrong should be organized in all higher military staffs by expert lawyers, internationally trained. Every soldier of the world would mainly welcome such measures for humanitarian reasons.

/s/ Blumentritt

Subscribed and sworn to before
me this 21 day of June 46

/s/Robert B.Starnes
1st Lt 0-1284283

I, Paul Schmidt, fully conversant with the English and German languages, testify that I have acted as interpreter for the swearing of the above affidavit.

/s/ Dr.Paul Schmidt.

#5146

Karl Koller, prisoner of war
No A 938959
General of the Air Force,
Chief of General
Staff German Air Force.

Nuremberg, 13 July 1946
1 copy

Affidavit No 11

Re: Violation of stipulations of International Law.

I, Karl Koller, born 22 February 1898, depose under oath.

Official positions: From 1 January 1938 to 31 December 1940 Chief Operational Staff Air Force Comman 3. (Leiter Fuehrungsabteilung Luftflotte kommando 3)
1.1.41-Aug 43 Chief of General Staff Air Force Command 3
Sept 43 - Aug 44 Chief of Air Force Operational Staff, Air Force High Command (OK
23.11.44 to the end of the war, Chief of General Staff of the German Air Force

Question: Were stipulations of International Law violated intentionally by the military leader or did they - within the framework of the possible - strive to conduct the war humanely.

Answer: Intentional violations of clear stipulations of International Law and arbitrary disregard of such of their own volition by military leaders are not known to me. The Luftwaffe and the Wehrmacht in general always strove to conduct the war according to International Law as humane as possible. A different conception would have violated our principle of soldiery and the professional ethics of an officer.
Where violations occurred, they were individual cases and personal guilt, such as happened on both sides and cannot be prevented in any war.
There is no people upon this earth, that has not a certain percentage of a social and criminal elements.

H5121-0051

H5121 - 0052

The German Wehrmacht has prosecuted the recognized criminal with ruthless severity and expelled him from its ranks as unworthy of bearing arms.

The Wehrmacht has always punished violations of International Law or ordinary crimes of undisciplined elements, and not recognized or even honored as it happened elsewhere.

No one however, can prevent that individuals criminal types not recognized misuse opportunities accumulated by special conditions of war.

Insofar such crimes and violations of International Law have not already been punished and atoned for by military law, the question of an individual guilt is involved.

The attempt to make responsible collectively for such crimes a certain circle of persons, e.g. the "General Staff" and the"OKW" makes one rather think of a political defamation of the German Wehrmacht being intended than of an endeavour to punish individual crimes and offenses for the sake of justice only.

For the Tribunal (Spruchhof) in session provides for us measures to examine, leave alone to punish,offences, committed up to the present time by members of their own and of allied nations.

This statemen comprises two pages.

signed: Karl Koller

Subscribed to and sworn before me this day 15 July 46

signed: Robert B. Stannes
1st Lt. No 01284783

I, Paul Schmidt, duly conversant with the English and German languages, testify that I have acted as interpreter for the swearing of the above affidavit.

signed: Dr. Paul Schmidt.

#600

Walter Warlimont -1- Dachau, 1 July 1946
General of Artillery.

Affidavit concerning Commando Decree (Kommandobefehl).

I, General of the Artillery, Walter Warlimont, being duly sworn, depose and say:

I am not informed about the direct cause from which originated the Commando Decree and the herewith connected internal events in Headquarters, since in my capacity at that time deputy chief of Armed forces operational Staff (Wehrmachtführungsstab) I was excluded for several weeks from participation on daily reports about the military situation to Hitler due to the general crisis within headquarters.

According to the presentation of the decree by Hitler and the reason for it (documents 498 and 503 PS), several "commando cases" must already have been known at the time the decree was issued. I remember various details about the equipment and the conduct of command troops from troop reports and or from captured orders or official instructions, such as e.g.:

Rubber clothing on hands and feet in order to obliterate tracks, blackened faces for nightly attacks, weapons hid on the body, that is to say not openly carried, which could be produced by means of a string running along the sleeves. (Illustration in an official instruction or a similar directive, also compare document UK 57, page 2 No.2 "Weapons in the armpit".) This equipment presented the bearer with the possibility to strike down the opponent in the last moment after having advanced with raised hands with the apparent intention to surrender.

This possibly explains the sentence in the decree number 3 of Hitler according to which "principally no consideration was to be given these men, even if apparently they were ready to surrender."

H5121-0053

Neither prior to the issue of this decree nor afterwards had it been known to me, that Hitler received any suggestions thereto from his immediate staff-circle or from any of the front commanders. Such a suggestion would also have been completely refuted by the entire course of the following events, because of:

1.) the procedure in the preparation of the orders required by Hitler. The staff commissioned by the Chief of the Armed forces operational Staff with the drafting of the decree, after the public announcement on 7 October 1942, in recognition of the nature of the decree, as concerning International Law , contacted to begin with the expert offices for International Law of the OKW ,the Amt foreign intelligence (Ausland-Abwehr) and the legal department of the Wehrmacht. Drafts originating herefrom, contained in document 1263, show plainly, that the offices concerned ,exerted pains in the Completion of the regulations for the execution, to prevent within the framework of the previous public announcement by Hitler, <u>own</u> violations of the usages of war.

In the draft of the Armed forces operational staff, this was especially expressed insofar, as it was left to the judgment of individual troops, whether in the encountering of "individual attackers as saboteurs or agents", an infraction against the fundamental laws of warfare could be found. Such an authorization excluded from the beginning the possibility, that troops in their encounters with sabotage and terror troops used any but the ordinary methods of warfare.

H5121 -0054

H5121 - 0055

Only a closer examination, which became necessary in contrast to the fundamental intentions of Hitler, could at the given moment ascertain the character of the fighting method of the enemy and a potential punishment of the participants could be expected only in the course of a regular procedure. The draft of the decree of Armed forces operational staff also completely omits the word "Commando" and provides for no participation of the S.D..

This draft was found useful in the decrees of Hitler, neither according to its sense nor by its wording.

2.) By the contents of the final decree and the reason for it.

These were, as I was informed at that time, by the staff-circle of Hitler, composed by him personally. It is evident therefrom that, Hitler not only did not receive any suggestions from the military in his procedure, but that rather on the contrary, he was fully aware of the opposition to his order by the leadership and the troops.

This is proved first when he points out, that the tendency of troops to confine themselves to ordinary methods of warfare even in the face of extraordinary and illegal methods of combat by the enemy, already has brought on the severest dangers in the fight against the partisans of the East. Especially is it evident from the fact, that in the decree and the reason for it, Hitler provides unusual threats of punishment in the event that his instructions were not followed

3.) by later occurences in connection with the Commando decree. I remember the following:

a) The C-in-C of the Wehrmacht in Norway, toward the end of 1942,-time not quite certain- contacted the office of foreign intelligence of OKW. (Amt Ausland-Abwehr) with the question, as to whether individual members of Commando troops who fell into the hands of the Wehrmacht, could be subjected to interrogation. This was his way of expressing to Armed forces

H5121-0056

operational staff, that he expected in this manner to bring about a drumhead court martial in every case.

This intention coincided with the opinion of Armed forces operational staff. (compare No.1 above). The Chief of Armed forces operational staff succeeded, under a pretext not known to me, to bring about the consent of Hitler for this intention of the C-inC Norway.

b) The High Command West, in June 1944 applied for rescinding the Commando order in its sphere of operation after the start of the " Invasion."

The application was considered by the Armed forces operational Staff as an illusory application insofar, as no Commando cases had become known from the area of operations of High Command West.

In spite of this, the application was then presented to Hitler, who flatly rejected it. He insisted, on the contrary on the strictest observance of this decree, especially in the situation at that time, in which he still counted with certainty on repelling of the invasion.

The Armed forces operational Staff now had to search for a way out and in conformity with the High Command West, resp. its organs proposed a formulation of the decree in such a manner, which would enable the High Command West, to adapt the local situation in the use of the decree to moving conditions of fighting and thereby to evade strict observance. This proposal which was extended by Jodl to the area of south-West and was signed by Keitel as an order, resulted in the fact that the commando decree according to my knowledge was henceforth not used in the area of High Command West either.

Appendix.

Draft of the Commando order of the Armed forces operational staff.

(xtract from Document 1263 - PS)

H5121 -0057

1.) In the additional note to the Wehrmachts report it is announced that in the future British terror and sabotage groups and their accomplices who do not conduct themselves as soldiers but as bandits, are to be ruthlessly annihilated in combat by German troops whenever and wherever they are encountered.

2.) A conduct violating the usages of war by terror and sabotage troops is to be presumed in the future, whenever individual attackers, as saboteurs or agents regardless whether soldiers or in whatever uniform, carry out surprise attacks and outrages, which according to the judgement of troops by killing of individual persons or destruction of great values of material, put themselves outside the limits of the laws of warfare.

3.) In this event the attackers are to be annihilated to the last man, in combat or in flight.

4.) Their keeping in a prisoner of war camp, be it even temporarily, is forbidden.

(signed) Walter Warlimont

Subscribed and sworn to before me this 1 day of July 1946 at Dachau.

signature o-534680

I, Jürgen Asmis b ing thoroughly conversant with the English and German languages, certify, that I have acted as an interpreter for the swearing of the above affidavit of General Walter Warlimont.

signed: Jürgen Asmis.

H5121-0058

#610

Guenther Blumentritt
General of the Infantry

Nuernberg, 24 June 1946

A f f i d a v i t .

I, Guenther Blumentritt, former chief of staff of C.-i.-C. West, born 10/2/1892 in Munich, declare in place of oath:

Motion for repeal of the "commando order" (Kommandobefehl).

In October 1942, the Fuehrer issued the well-known commando order. Its first paragraph contains its justification. I cannot judge it as to the question of international law involved. It was previously broadcast. At the Western front, these "commandos" have been proven to have acted contrary to international law, e.g. in the case of the isle of Sarcqu. At the same time, the Führer decree had been supplemented by Himmler by SS official channels. However, this decree was tacitly not executed, in an oral way, by the military authority the way it had been ordered. Everything within reason was done in order to elude it, also by the very moderate S.D. commander in France, Oberg. The Fuehrer had ordered that Supreme Command West had to report daily. This demand has already tacitly been ignored after a short while. It was added that the order had been executed; this, however, did not correspond with the truth. This was the only way to mitigate or to render harmless such orders.

Supreme Command West, acting on its own responsibility, has not even notified this decree any more to the numerous divisions which, in 1943 and 1944, had been transferred from the Reich or from the Eastern front to the West. This ensured that the mojority of the Western army did not know of this decree at the time previous to the invasion.

When the invasion began in 1944, High Command West asked, out of military sentiment and acting out of its own dicision, for the repeal of this order of 1942. High Command

H5121 - 0059

West took the view that under open warfare conditions of modern warfare no distinction could be made between "commando operations" and "open combat" of compact, uniformed airborne troops. It was even possible to land allied units far behind the front, around Paris. Even a borderline between "open combat" zone and "commando operations" zone did not seem possible to us soldiers. Accordingly, High Command West asked the Fuehrer, out of its own sentiment as soldiers for, the actual repeal of the commando decree for the entire Western front. The official demand was also made in order to ensure that, independently of the army, the SS too got a repeal order, as a number of SS divisions were fighting within the tactical framework of the army.

The Fuehrer has not accepted this demand of High Command West unambiguously, but has ordered, for some reasons of international law, a limiting of the decree in space by establishing a border-line to the rear. After receipt of this new decision, however, High Command West has never received, either officially or unofficially, a report from any unit commander to the effect, that this new order had been carried out. General Meindl, Parachute corps II, and other commanders during the battle in Normandy have confirmed to me during our captivity, that they had not observed at all this Fuehrer decree. For us soldiers this combat was an open one, irrespective to the part of the operational zone in which it took place.

Field Marshal v.Rundstedt has been notified of this affidavit.

(signed) Blumentritt

Subscribed and sworn before me this Day 25 June 1946

Robert B.Stannes,
1st lieutenant O-1384783

I, Paul Schmidt, duly conversant with the English and German languages testify that I have acted as interpreter for the swearing of the above affidavit.

(signed) Dr.Paul Schmidt.

#6178

A F F I D A V I T

Hans-Wolfgang Reinhard
General of the Infantry

Allendorf, June 16th 1946.

being duly sworn, depose and say:

I was from 1 July 42 until 21 December 45 commanding general of 88th army corps in the Netherlands.
As far as I remember, I received the "Commando decree" of 18 Oct.42 in a transcript at my corps combat headquarters in Utrecht. I do not recall the date any more. As far as I remember, the divisional commanders have been notified of this order, I do not know any more whether orally or in writing. I remember having told the divisional commanders, later on on the occasion of my visiting the units, that it was not compatible with our military honor to carry out such an order.
Captured enemy flyers, who often parachuted nightly over Holland - some of them, presumably, members of sabotage groups- were, as a rule, and without any ado, handed over to the next Luftwaffe station.

(signed) Hans-WolfgangReinhard

Subscribed and sworn to before me
this day 17 of June 1946

(signed) A.Fredenburgh 0541390
2nd Lt., Inf.
Camp Commander

H5121-0059A

#651

Max Schwandner
General of the Infantry, retired

Neu-Ulm, 23rd June 1946 .

A F F I D A V I T

Re: Forced landings of American flyers.

General of the Infantry, retired, Max Schwandner, retired since August 1942, in Sonthofen, Allgaeu
being duly sworn, depose and say:

In March 1945, a 4-engine American bomber had to make a forced landing on a meadow near Sonthofen. The civilian inhabitants who ran to the place of landing, were still very embittered owing to the American terror attack on Sonthofen, which had happened a few days earlier, and which had caused many casualties and great damage. When the crew- 9 men - of the American bomber aligned at the side of the airplane and part of the population took up a threatening attitude, shouting: "Kill them", the mountain riflemen of the Sonthofen replacement battalion, which had rushed there too, protected at once the American airmen, with the words: "These are soldiers like us, they have but done their duty" and led the Americans to the barracks as prisoners of war.

I was informed of this by Gerhard, son of lieutenant-general Kullmer, who lodged in my house and observed everything with his own eyes himself. I saw myself that the Americans were led away.

(signed) Max Schwandner
General of the Infantry, ret.

Subscribed and sworn to before me this 23rd of June 1946
at Neu-Ulm, Germany

(signed) Joseph J. Ancell jr.
2nd Lt., Inf., Commanding officer
serial No. 01332909

H5121 - 0060

#701

Rudolf-Christoph
Freiherr von Gersdorff
Major-General.

Nuernberg, 28.5.46

A f f i d a v i t .

I, Rudolf- Christoph Freiherr von Gersdorff, born 27 of March 1905 in Lueben/Silesia, declare under oath in connection with affidavit of Walter Schellenberg of 26 November 1945, affidavit No. 12 :

From April 1941 until September, I was third General Staff officer of the Army Group "Center" at the Eastern front. On the basis of this service activity of mine I state, that the task groups (Einsatzgruppen) and task forces (Einsatzkommandos) of the SD which came for engagement on the Eastern front never have been placed under the commanding authorities of the army. They received their tasks and orders exclusively from Himmler or the Reich Security Main Office. They were attached to army offices only for their own supply of food, fuel etc.

As a participant in the conference called at the beginning of June by the OKW, office of foreign counter-intelligence, (Amt Ausland/Abwehr) and the quartermaster general of the army, I state, that at this conference the true intents and purposes of the task groups (Einsatzgruppen) were not mentioned with a single word. Their engagement was explained as being a measure of political security and investigation.

I add, that the commanding authorities engaged at the Eastern front could not gather from any order or any conference, previous to the beginning of the campaign against Russia, that comprehensive annihilation actions against the population or the Jews were intended by any office whatever, nor that orders of such a kind have been issued while I belonged to the army group .

(signed) : Rudolf-Christoph,
Freiherr von Gersdorff
Generalmajor

I certify that above is the signature of Freiherr von Gersdorff,

(signed) : Robert D. Starres
1st Lt. Inf.

H5121 - 0061

H5121-0062

701 A

Helmut Kleikamp
Major-General.

Steinlager/Allendorf Kr.
Marburg
16 July 1946.

I, Major General Helmut Kleikamp, born 28 April 1901 in Ottendorf, O'Kril Kr. Dresden, being duly sworn, depose and say:

Affidavit

concerns: task force (Einsatzkommandos)

At the time in question, until March 1942, I was third General Staff offic of the then Army Group South at the Eastern front. As such I participated in the conference held about June 1941 organized by the Wehrmacht High Command, foreign counter intelligence(Auslands/Abwehr) and by the Quarter-master General of the Army. In this connection I state, that besides the discussion of supply questions and surveys concerning the Russian armed forces, the setting-up of task forces (Einsatzkommandos) has been notified to us. The real tasks, aims and purposes of these task groups were not mentioned with a single word. Their task was explained as being a measure of political security and investigation.

These task details were not placed under the command of the army authorities and were never subsequently placed unter their authority. They should receive their tasks and orders exclusively by Reichsfuehrer Himmler, resp. by the offices immediately subordinate to him. The army commands were only ordered to provide the supplies for those task forces (food, fuel etc.

Furthermore I state, that during my membership of the army group it could not be gathered from any order, neither at the beginning nor during the Eastern campaign, that any annihilation actions against the Russian population or the Jews were planned or indeed ordered.

(signed) Kleikamp,
Generalmajor.

"Subscribed and sworn to before me this 18 day of July 1946".

"I, _____ being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit.

(signed) Ralph N. Caput, Capt. O-516559
F.A. Summary Court Officer.

#702

Georg von K ü c h l e r
Fieldmarshal General

Neu-Ulm, the 5th July 46

AFFIDAVIT

Re: S.D. (Security Service)

Fieldmarshal General von Kuechler, Commander-in-chief of t Army-group North from 18 Jan 42 to 30 Jan 44 being duly sworn, depose and say:

"It never became known to me, that an S.D.-department was submitted to the army-group North. In view of the large amount of work in the purely military sphere and heavy burden of leadership it is possible - if rather unlikely - that this allocation escaped my. Neither have I however ever heard, that in the army group area a special office was charged with tasks of racial policy, persecutions of the Jews and such like. I am convinced that neither my Chief of Staff nor my adjutant knew nothing about this, otherwise I would have heard about it.

If there should have been an SD group in the Army group-area, the leader of the detachment handled his tasks and activities - consciously or unconsciously - in a way that I did not learn anything of this fact nor even of hi presence".

signed: Georg von Kuechler
(Georg von Kuechler)
Field Marshal General

Subscribed and sworn to before me this 5th day of July 1946 at Neu-Ulm Germany

Joseph J. Ansell jr.
2nd Lt Inf
Commanding Officer
01332909

H5121 - 0063

Otto Wochler Nuernberg, 25 June 1946

A f f i d a v i t

Concerning testimony of Ohlendorf of 3 Jan.1946 about SD and 11th AOK.

I, Otto Wochler, born 12 July 1894 in Grossburg-Wedel near Hannover, after being duly sworn depose and say:

1) I was chief of the 11th Army until 30 April 1942

2) Responsible Commanders in Chief:

Until 13 Sept.1941, Colonel-General von Schobert- killed in action

Until 20 Sept. 1941, General (Inf.) von Salmuth, charged with the Command,

From 20 Sept. 1941 on Gen.Field Marshal von Manstein.

3) Not one of the 3 military commanders has informed me or the Army anything

a) about an agreement between RSHA on the one hand and OKW or OKH on the other hand
b) about any verbal or written order of Hitler or of Himmler with regard to liquidation of the Jews.

4) Of course the AOK knew of the existence of the S.D.. As to its tasks we were only informed about the "harmless" things:

Preparation for the establishment of a civilian administration

Prevention of communistic conspiracies

Other police duties in the army rear area

5) Subordination of the SD to the AOK 11 existed only with regard to provisioning and march schedules, not with regard to assignments. The chain of command therefore was the same as with the O. T., WI-KDOS, (Wirtschaft-Kommando)? etc.- indicated on page 1814.

The liaison with the ICAO (Infantrie Kommandeur Armee Oberkommando)? was in relation to counter-intelligence matters, with the O.QU.(Obersten Quartiermeister) in matters of provisioning.

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Ohlendorf himself admits that he negotiated with the Chief of Staff concerning march schedules and that the commanders of the SD when it started for the front - page 1816 top - and in summer 1941 received their instructions verbally from Himmler in Nikolajew

6) It is unknown to me that one of the commanders in chief, named under No.2, or any one else had given the order to carry out the liquidation of the Jews only outside a certain area - 2½ km according to page 1858, 200 km according to page 1818. If this had been ordered, I would know of it.

On the other hand, I recall with certainty that Fieldmarshal von Manstein, in the first days following his taking of the command, on hearing the rumour that somewhere Jews were supposed to have been killed in the past, immediately forbade that unequivocally.

Since this incident had allegedly occured in the rear of the operational area - I believe it was Kischinew, but I could not swear to it - Fieldmarshal von Manstein immediately sent his adjutant to the O.Qu.(Oberston Quartiermeister) and held him responsible that such dirty business would once and for all be out of the question in the area of the Army. This order was by no means issued with a wink of the eye but absolutely and with the strongest emphasis.

Since that time the AOK did not hear any more about liquidation of Jews.

7) It is out of the question that the OKH - it should perhaps be the Army High Command has given orders to hasten the liquidation of Simferopol. Totally mis leading is the reason given:" that there prevailed a great housing shortage".

There was nothing at all known of a liquidation of the Jews, but rather of a "resettlement".- See also testimony Ohlendorf on page 1820.-

8) I have never heard anything about gas vans nor anything

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about the fact that the Army had requested watches of Jews for its soldiers. If individual watches had been delivered to sldiers of the army, they could have been accepted only on the assumption that they were legally confiscated. 9) I have no knowledge that members of the OKW or even unit of the army had taken part in executions. I believe this absolutely impossible, considering the attitude of Field-marshal von Manstein and the punch of his orders. Ohlendorf himself is here very uncertain in his testimony (page 1838, top)

Otto Woehler

Subscribed and sworn to before me this
26 day of June 1946

Robert B. Stumpf
1st Lt.-1384783

I, Paul Schmidt, fully conversant with the English and German languages, testify that I have acted as interpreter for the swearing of the above affidavit.

Dr. Paul Schmidt.

#703A

Otto Woehler Nuernberg 11 July 1946

Affidavit .

I, Otto Woehler, born 12 July 1894 in Grossburgwedel near Hannover, supplement my affidavit of 25th June 1946 concerning statement Ohlendorf as follows and declare under oath (an eidesstatt) :

1. to be added to No. 3 of my affidavit as paragrahp C.

C / about any kind of agreement between the quartermaster-general on one hand and Himmler or an SS office (SS Dienststelle) on the other hand concerning the liquidation of Slavs, Jews or other civilian populations.

2. In No. 5 to be added as last sentence :

The Army Headquarters (AOK) heard about Himmler's visit only after he had again left, and nothing about the purpose of his visit. It is significant for Himmler's effort to keep the tasks of the SD (Security Service) secret from the army, that he :

A / neither went to see the then commander in chief Colonel General (O.B./Gen.Oberst) Ritter von Schobert, nor the Army Headquarters (AOK),

B / that he did not communicate the purpose of his visit to the Army Headquarters (AOK).

(signed) : Otto Woehler

Subscribed to and sworn before me this day 11 July 46 Robert B Starre,
1st Lt. 01214283

I, Paul Schmidt, duly conversant with the English and German languages, testify that I have acted as interpreter for the swearing of the above affidavit.

(signed) : Dr. Paul Schmidt.

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#907

Guenther Blumentritt
General of the Infantry

Nuernberg, 24 June 1946

A f f i d a v i t .

I, Guenther Blumentritt, former chief of staff of C.-i.-C. West, born 10/2/1892 in Munich, declare in place of oath:

Motion for repeal of the "commando order" (Kommandobefehl).

In October 1942, the Fuehrer issued the well-known commando order. Its first paragraph contains its justification. I cannot judge it as to the question of international law involved. It was previously broadcast. At the Western front, these "commandos" have been proven to have acted contrary to international law, e.g. in the case of the isle of Sarcqu. At the same time, the Führer decree had been supplemented by Himmler by SS official channels. However, this decree was tacitly not executed, in an oral way, by the military authority the way it had been ordered. Everything within reason was done in order to elude it, also by the very moderate S.D. commander in France, Oberg. The Fuehrer had ordered that Supreme Command West had to report daily. This demand has already tacitly been ignored after a short while. It was added that the order had been executed; this, however, did not correspond with the truth. This was the only way to mitigate or to render harmless such orders.

Supreme Command West, acting on its own responsibility, has not even notified this decree any more to the numerous divisions which, in 1943 and 1944, had been transferred from the Reich or from the Eastern front to the West. This ensured that the majority of the Western army did not know of this decree at the time previous to the invasion.

When the invasion began in 1944, High Command West asked, out of military sentiment and acting out of its own decision, for the repeal of this order of 1942. High Command

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West took the view that under open warfare conditions of modern warfare no distinction could be made between "commando operations" and "open combat" of compact, uniformed airborne troops. It was even possible to land allied units far behind the front, around Paris. Even a borderline between "open combat" zone and "commando operations" zone did not seem possible to us soldiers. Accordingly, High Command West asked the Fuehrer, out of its own sentiment as soldiers for, the actual repeal of the commando decree for the entire Western front. The official demand was also made in order to ensure that, independently of the army, the SS too got a repeal order, as a number of SS divisions were fighting within the tactical framework of the army.

The Fuehrer has not accepted this demand of High Command West unambiguously, but has ordered, for some reasons of international law, a limiting of the decree in space by establishing a border-line to the rear. After receipt of this new decision, however, High Command West has never received, either officially or unofficially, a report from any unit commander to the effect, that this new order had been carried out. General Meindl, Parachute corps II, and other commanders during the battle in Normandy have confirmed to me during our captivity, that they had not observed at all this Fuehrer decree. For us soldiers this combat was an open one, irrespective to the part of the operational zone in which it took place.

Field Marshal v.Rundstedt has been notified of this affidavit.

(signed) Blumentritt

Subscribed and sworn before me this Day 25 June 1946

Robert B.Stannes,
1st lieutenant 0-1384783

I, Paul Schmidt, duly conversant with the English and German languages testify that I have acted as interpreter for the swearing of the above affidavit.

(signed) Dr.Paul Schmidt.

#933

Affidavit concerning combatting of partisans.

I, Gustav Hertenbeck, General Cav. Chief of the General Staff of the 2nd Army from 26 October 1941 to 1 Dec, 1943, after being duly sworn, depose and say:

General Field Marshal v. Weichs, then C-in-C of the 2nd Army, deliberately rescinding the more severe orders issued higher up, ordered for the combatting of partisans the following:

1) Partisans are to be considered and to be treated as belligerents in the meaning of the military law if they a) fight according to the rules of the military law b) if they, not in complete accordance with these rules, are by some insignia recognizable as belligerents or if they at least carry arms openly.

2) These partisans are when they are taken prisoner to be treated as prisoners of war. This order remained in force in the area of the 2nd Army also under the successors of the General Field Marshal v. Weichs, the Generals von Salmuth and Weiss.

Dachau 15 June 1946

For the correctnes of the signature

signed Hertenbeck

signed Clifford R. Nevill
Capt. Cav.

Dachau 21 June 1946

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#935

Otto Heidkaemper
Lt.General, ret.

27 June 1946

I, Lt.General Otto Heidkaemper
being duly sworn, depose and say:

Affidavit.

Under Colonel General Reinhardt I was from 3 May 1943 to 17 August 1944 as a colonel in the General Staff and Major General, chief of the general staff of the 3rd armored army.

Re: Partisan war:

a) Atrocities. While the 3rd armored army was in fixed positions in the area of Witebsk, that means in the time from May 1943 until June 1944, the murder of army members by bandits was an every day occurrence behind the front and in the rear, almost all murdered German soldiers were robbed and largely terribly mutilated.

The partisan war in the area of the 3rd armored army can, because of the sullenness and the trickery with which it was conducted, not be compared with the honest fighting of the soldier. Due to the continuous murders and the bestial mutilations with which our soldiers found their comrades murdered by bandits, the German soldier also fought with increasing bitterness and ruthlessness in the partisan war. Especially so, because of the fact that the bandits, when a further fight seemed hopeless, showed this by raising their hands. In the moment, however, when our soldiers began to take them prisoners they reopened fire with all rifles and machine guns,- now for open murder.

Frequently the bandits waited for hours, lying in the water or in the morass or dug in the ground, breathing only through the neck of a broken bottle, in order to let the searching German soldiers pass them by and then in the right moment to murder them from behind.

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b) Army Orders. Due to these permanently recurring incident the troops assigned to the combatting of the partisans submitted several times the desire to have all restrictions rescinded for partisan war, that is all restrictions laid down in the Hague Convention, because they were also not adhered to by the partisans. Colonel General Reinhardt did not yield to these demands. It was incompatible with his honor as aGerman officer and with his religious attitude to retaliate with murder for murder. I know how my Commander in Chief suffered mentally from every new murder committed by the bandits on one of his soldiers and how he struggled several times with himself whether he should allow reprisals. His decision was every time, "it will remain as before, we want to remain decent soldiers". He therefore also, on his daily trips to the front, repeatedly urged his commanders and subaltern commanders to remain decent before themselves even in the partisan fight.

The High Command of the 3rd armored army, before every partisan operation, had given written orders whereto the captured bandits would be brought. It also was ordered,- whether in writing or verbally, I do not know any more - that bandits, subdued in combat or taken through by parlementaires, must be treated exactly like captured soldiers. Wounded, in particular must be given medical care. Wounded bandits were handed over to the field hospital established by the 3rd armored army for Eastern troops.

According to an armored-army-order every captured bandit, before being led away into captivity, had to be interrogated. A bandit who, on the basis of these interrogations was proven beyond any doubt guilty of murder of a German soldier, was, after judgement by a drum-head court-martial, immediately shot. Most of the times, however, the bandits to whom a murder could be traced, committed

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suicide before. The other captured bandits had been ordered to be transferred to Germany as workers. Against this measure also the troops protested because they did not understand that treacherously fighting civilians and murder suspects were deported as workers to the homeland. The troops suggested repeatedly to employ these captured bandits for heavy work mine detecting, munitions carrying near the front lines. In a telephonic conversation about this question between Col.General Reinhardt and Field Marshal von Kluge(C-in-C of the Army Group Center) around the middle of August 1943 this suggestion was rejected. The deportation of captured bandits to the Reich remained.

c) Excesses. As Army chief I heard of no cases of excesses of German soldiers against bandits, against which we had to intervene.

d) Reprisal executions, hostages. In no case of violence or atrocities committed by the bandits has the High Command of the 3rd armored army inflicted reprisal executions on the population or taken hostages. The troops were rather repeatedly told in writing that the population living near the front lines and in bandit infested areas, who frequently requested German help, had nothing to do with the bandits and that they were to be protected during partisan operations with their property and life. The population in areas dominated by partisans had been repeatedly requested, by leaflets dropped from airplanes, to leave the bandit dominated are, or else they would have to be treated as bandits also at the imminent German operations against the bandits. In spite of these warnings this population during and after German operations, was treated as non-belligerents. In so far as their cattle was not used locally for the provisioning of the combat force, this population on orders of the 3rd armored army with their cattle had been resettled outside the former bandit-dominated area.

signed: Otto Heidkaemper.

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Subscribed and sworn to before me this day of

27 June 1946

signature illegible
Major 313711

939

Walther Hahm Neu-Ulm. 23.6.46

General of the Infantry

AFFIDAVIT.

Concerns: Combat against partisans.

General of the Infantry Walther Hahm, commander, in 1942 of the 260th division, being duly sworn, depose and say:

1. The deposition of the chief of the 4th army, general Roettiger, is uncomprehensible to me. The 260th division, fighting in the 4th army area, had constantly to defend itself from about March to August 1942, against band attacks in the zone behind the lines. Namely in the region North of the road Roslawl-Juchnow. An "extermination order" of the 4th army against the gangs respectively the partisans is not known to me. On the contrary, the partisans captured at that time were according to orders of superior commands, either sent to prisoner camps or used as labor detachments.

2. In the summer of 1942, a regulation concerning partisans combat methods found on captured partisans was communicated to the 260th division, which was at the time under my command. This regulation contained detailed and precise directions concerning attacks on staffs, command posts, transports, localities, furthermore orders for the removal of Russian inhabitants who did not want to co-operate with partisans, also suggestions for the camouflage of the partisans and gangs as civilians, in order to enable them to avoid being recognized as members of the partisan gangs.

signed: Walther Hahm, General of the Inf.

Subscribed and sworn to before me this 23rd day of June 46 at Neu-Ulm, Germany

signed: Joseph J. Ancell jr.
2nd Lt, Inf, Commanding-officer
Serial number 01332909

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#1033

Georg Lindemann
Colonel-General

Neu-Ulm, Jyly 1946.

AFFIDAVIT.

Re: Shooting of prisoners.

Colonel-general Georg Lindemann, C.-i.-C. of the 18th army from January 1942 until March 1944, being duly sworn, depose and say:

I cannot explain how the OKW can assert that I ever have issued, as C.-i.-C. of the 18th army, an order (allegedly of 30/10 or 12/42), according to which "all prisoners resp. all partisans are to be shot without discrimination". I do not know anything about such an order, as I never issued such an order. (Cf. the affidavits of generals Salch, von Tettau, Ringel, Tolsdorff and of the SS generals Ciesele and Borch[illegible]).

Had I issued such an order, my subordinates must know it, as they would have had to carry it out. But as they do not know about such an order, because it has never been issued, the entry in the war diary of the OKW has been accordingly proven to be false. Concerning partisans and parachutists I have issued an order that in any case the shooting of such person was to be preceded by a thorough investigation, and that death sentences would have to be confirmed exclusively by commanding generals or the commander of the line of communication (in case of impediment, by the chiefs of staff) and, for the army, by the chief of staff of the army.

(signed) Georg Lindemann
Colonel-general

Subscribed and sworn to before me this day of July 1946 at Neu-Ulm, Germany.

(signed) Joseph J. Ancell Jr.
2nd Lt., Inf., Commanding officer Serial No.01 332 909.

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4 1041

Doc. 24.

Von Mellenthin
General of the Artillery

Dachau 1/7/1946.

Affidavit.

Concerns: Guerilla Warfare, opinion concerning depositions of SS Obergruppenfuehrer and Chief of Guerilla Warfare Units von Bach-Zelewski.

I, Horst von Mellenthin, general of the artillery, being duly sworn, depose and say:

In October 43, I had terminated the acting command of a division in the area of army group North, and was expecting a new assignment at the front, when I was assigned unexpectedly for about a fortnight to the group Bach as commander of the liaison staff of army group North. I did not know anything of partisan operations, nor did I know in the least Bach or his staff.

I got my orders from field marshal v. Kuechler, and they were supplemented by his chief of staff, lieutenant-general Knizel. It appeared that an operation on a somewhat large scale had been made necessary by the many excesses of partisans in the rear area of the 16th army (army group North) and of 3rd Panzer Army (colonel-general Reinhardt), which belonged to army group Center. This operation had been asked of army High Command by army group North. In the meantime, conferences with Himmler and Bach had taken place at army group North. This operation, which took place in the area Idrizo-Pelezy, called "operation Heinrich" (Himmler's first name), was a typical example of an operation carried out exclusively by SS and police. For the very reason that Himmler had reserved the command for himself here, and because Bach, together with SS Obergruppenfuehrer Jeckeln and Gruppenfuehrer v. Gottberg were in charge, and because there was no subordination of any kind under the army group, I was assigned, in the position of a divisional commander, and with a liaison staff, to the group Bach. My orders were to inform the army group about the state of operations, as Bach reported only to Himmler; I had also to transmit wishes and suggestions. Moreover, I was ordered by the army group to directly safeguard the purely defensive participation of rear parts of the combat corps and security formations, for the purpose of protecting the operation in the North and in the East. As the army group counted on a large-scale Russian attack near Novel, I was to prepare moreover, SS Obergruppenfuehrer v. Bach by timely information and by personal influence, for the possibility that his anti-

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guerilla . operation with the front running North-South could on occasion become a screening front in echelons,(eine Abschirmfront in der Tiefe) with a combat front in the East. About 24 battalions of police and SS, including the unit Dirlewanger, and a Latvian SS brigade participated in the operation. The army had contributed only a few anti tank-gun sections.

I had no influence on the operation itself. Against my wish, I was not billeted, together with my staff, in the large house of the command headquarters of the group Bach in Sebesh, but in a more remote spot. We had to ask for informations, and got rather often inquiries and wishes. The personal conduct of Bach towards me was a correct one, he did not show his character openly. Obergruppenfuehrer Jeckeln, who was in charge, under Bach, of operations on the Idrize side, was not so clever and was conspicuously reticent towards me. A liaison staff of 3rd Panzer Army was with Gruppenfuehrer v. Gottberg.

The operation did not have the expected success, larger divisions of the partisans retreated in a Western and South-Western direction. Enemy attacks were not numerous; we made prisoners; the population, insofar as those still present, was evacuated owing to co-operation with the partisans. I just happened to be present when a discussion arose concerning prisoners of inhabitants, and the chief of staff of the group Bach, SS Standartenfuehrer Lamerding gave the opinion, that they had to be liquidated; I unequivocally took oposition against that, emphasizing that Field Marshal v. Kuechler would not tolerate such a thing in his area. In such a way such a measure could be prevented; I should like to establish in this connection that SS Standartenfuehrer Lamerding at once agreed with my objections, with the remark, that if such a measure was not taken at the instance of the army, it was all the same to them.

When the operation was nearly finished, there actually occurred at the front a deep breach near and South of Nevel, which the Russians tried to enlarge. The group Bach was able to take up, with its forces, and in time, a defensive front to the East, as suggested by me, and in this connection the willingness of von Bach-Zelewski must be recognized beyond doubt. When Bach's forces, under command of Jeckeln and

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Gottberg, were placed under command of the Eastern combat corps, in order to help to consolidate the defensive front formed in the meantime, Bach flew to Himmler. I myself received a new assignment.

(signed) v. Mellenthin
General of the artillery

Subscribed and sworn before me this 4th day of July 1946.

(signed) Harry Szanger,
Capt., A.C.,
Investigator Examiner
War Crimes, Dachau

I myself, Horst von Mellenthin being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit of the General of the Artillery Horst von Mellenthin.

(signed) Horst v. Mellenthin
General of the Artillery.

H5121 – 0080

A/1055

Otto W o e h l e r 8 June 1946

Affidavit

The Russian indictment mentions the looting of Russian museum's.

I, Otto W o e h l e r , born 12 July 1894 in Grossburgwedel near Hannover being duly sworn depose and say in place of oath.

When in the fall of 1943 I arrived in Poltawa I learned that there was a museum there, most of the exhibits of which had been evacuated recently, by whom and where to was not known. In any case no office of my army had anything to do with it.

I drove immediately to the museum and satisfied myself, guided by an old museum's employee, that all the valuable objects were gone (for instance momentos of the battle of Poltawa). When the tour through the museum was finished, I discovered by coincidence a few rooms in a side wing which contained ecclessiastical art objects (larger than life size ancient wood plastic of a crucifix, numerous ikons in the form of wood tablets). The employee told me upon inquiry, that at the great regret of the highest church dignitary of Poltawa these objects had not been taken along because of lack of necessary railroad cars. There was now a great danger that these objects would be destroyed through battle action.

Under these circumstances I immediately expressed my willingness, in spite of the critical railway transport situation, to make one or two railroad cars available to save these objects. The museum employee, very glad about it, said that he was able and ready to inform the mentioned highest church dignitary of Poltawa.

This church dignitary came a few days later to me, accompanied by two younger priests in solemn attire, to thank me in words full of emotion for my help. He declared that the objects had been packed in the meantime into the railroad cars. He himself would accompany transport. As destination he had selected Lemberg.

I do not believe that this is a case of looting, but rather in the contrary of deliberate saving of ecclesiastical museum objects from war destruction, in full agreement with the church.

(signed) Otto Woehler
(signature) certified 13 June 1946
Robert B. Stannes
1st Lt. Inf. Ch. Pris. Off.

#1117

not used

Doc. 25

Hermann Reinecke
General of the Infantry

Neu-Ulm, 5/7/46

AFFIDAVIT.

Re: 1. Treatment of Russian P.O.W. (when escaping, order concerning political agents (Kommissarbefehl), when unfit for work, during transportation and in hospitals)

2. Competency concerning P.O.W.

General of the Infantry Hermann Reinecke, Chief of General Wehrmacht Office (Allgemeines Wehrmachtamt) of the O.K.W. Statement comprises years 1941/42

Being duly sworn, depose and say:

I. Concerning the statements of lieutenant-general (ret.) von Oesterreich, of 28/12/45, I declare the following:

1. In a conference with the commanders of P.O.W. of the army corps command about May 1941, I did not announce, (not as Inspector-general for P.O.W., but as Chief of the General Wehrmacht Office) an "invasion of the U.S.S.R. but stated according to orders, received from the Chief of O.K.W., that Russia was concentrating troops on a large scale behind the demarcation line, that she had established innumerable airports and could engage at any moment in an attack on Germany. We were, therefore, concentrating troops too, and it were possible that we would forestall the Russian attack. By order of the Chief of O.K.W., I transmitted to the commanders, for their respective army corps area, the order to make, as a matter of precaution, all necessary preparations for an increased accommodating number of PWs.O.W. but not to have any new buildings constructed for this purpose. The Chief O.K.W. had explicitly prohibited this, lest these measures could under any circumstances create the impression that we intended to attack Russia.

I have never, either in writing of orally, transmitted or given myself an order to the effect that "when a P.O.W. tried to escape, he should be shot without previous warning". The witness mistakes this for the regulation of the Fuehrer's resp. of the Chief of O.K.W. contained in the order of O.K.W. of 8/9/41, which has been submitted to the Tribunal, according to which warning shots were prohibited when Russian P.O.W. tried to escape.

2. The "Order concerning political agents" (Kommissarbefehl) has not been

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communicated to my office, nor has it been transmitted by the General Wehrmacht Office. I have never either transmitted or signed "by order" any decree concerning the shooting of Russian P's.o.W. On the contrary, when I heard of the order given to the Army High Command, I repeatedly remonstrated most strongly with the Chief of O.K.W. concerning this order, not only for purely humanitarian reasons, but also because the possible repercussions on German soldiers falling into Russian hands, and whose interests the P.o.W. department of the General Wehrmacht Office had been ordered to represent.

As Military administrative (Wehrkreis) became District XX operational area of the army at the beginning of the Russian campaign, the Command XX Wehrkreis may have received the "Kommissarbefehl" from the Army High Command, to which it was, in fact, subordinated.

The preceding also applies to the regulations concerning burial or cremation of the individuals who were to be shot according to this order. Neither have I been informed that the commander of Thorn camp had Ps.o.W. shot.

Only the regulation of 8/9/41 mentioned under 1. concerning the segregation of Russian P.o.W. and their transfer to the police, according the Fuehrer' and Chief of O.K.W.'s decree, has been drafted in the General Wehrmacht Office and has been signed by me by order of the Chief of O.K.W. There is no mention of shooting Russian P.o.W. in this order either.

3. Major-general von Graevenitz has taken over,in January 1942, the P.o.W. office group of the O.K.W., as successor of colonel Breyer, and has held frequent conferences with the commanders of P.o.W. in the Wehrkreisen. Surely, on this occasion, measures have been discussed concerning the obtaining of better food for Russian P.o.W. arriving in the Reich in an under-nourished condition (pampering action, accomodation of P.o.W. unfit for work on farms), for the avoiding of the spreading of any brought-in spotted fever (delousing stations, vaccinations) and the enlarging of P.o. hospitals. I have never been informed of proposals discussed in these conferences, to poison "Russian P.o.W. which have become unfit to live and to work owing to wounds, exhaustion or illness". I also consider it out of question, that general von Graevenitz should have "issued the order, based on these conferences, to kill the P.o.W. unfit to live and to work, and to make use, for this purpose, of the army medical staff". This would have

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been impossible, if only for the reason that von Graevenitz neither would hav. had the right to do this, nor would he have been in a position to issue orders to the O.K.W., sanitary inspection department, relative to medical measures of any kind whatsoever. I have never been informed of an alleged carrying-out of such measures in Thorn camp and in the area of the O.K.H. (army group B Tschir, Millerowo).

However, I have known that, while on transport into the Reich and in the camps in the Reich and in the zone of operations of the army, many Russian P.o.W. have died of malnutrition and illness (spotted fever) inspite of the preventive measures taken by O.K.H. and Army High Command. As far as I remember, the precentage of the German guard personnel and of the German nursing personnel deceased of spotted fever was a disproportionately high one.

4. I cannot voice an opinion concerning all the depositions of general von Oesterreich concerning the Russian area, as in the zone of operations the Army High Command (office of the quartermaster-general), alone was in charge of P.o.W. matters.

5. The "Tattooing decree", issued by general von Graevenitz by order of the Fuehrer, has been discussed at length during the hearing of the case against Field Marshal Keitel. As far as I know, it has been proven that this decree, which has been issued without my co-operation, was rescinded again.

II. I cannot say inhowfar army or army group Cs.i.C. were responsible for P.o.W. matters, as in the zone of operations of the Army High Command of the army, quarter-master-general's office, was solely responsible to the Fuehrer for these matters.

In the military home area, the commander of the replacement army of the Army High Command had to supervise the army corps commands, and was superior authority in disciplinary matters, as well as appointing authority (Gerichtsherr), both for P.o.W. and for German soldiers assigned to P.o.W. duties.

(signed) Hermann Reinecke

Subscribed and sworn to before me this 5 day of July 46 at Neu-Ulm, Germany.

(signed) Joseph J. Ancell Jr.
2nd Lt., Inf., Commanding
Officer, Serial No. 01 332 9

#1179

Frhr.v.Luedinghausen,
Major, General Staff

Dachau, 5 July 1946

A f f i d a v i t .

Re: Volunteers and auxiliaries (Hilfswillige, Hiwi) of Eastern nationalities.

I, Horst Freiherr v.Luedinghausen, Major, being duly sworn, depose and say:

From April 44 until the surrender, I was expert and group chief of group II of the Organizational Dept. of the General Staff of the Army, which, in cooperation with the General of Volunteer Units, dealt with all matters concerning foreign nationals serving in the army. Out of my experience as an officer at the Eastern front and of my work in the Organizational Dept., I can say the following:

1.) the voluntary enlistments of Russian deserters, P.o.W. and civilians in 1941/42, who were assigned by the fighting units to combat and supply units, either in excess of normal strength or as compensation for a shortage of German soldiers, made necessary in a very short time a regulation by the Army High Command. Accordingly, the order (Army order 4080) concerning

> "Treatment of native auxiliary forces" was distributed, in April 42, to the commanding authorities and units of the Eastern army.

This order regulated:

a) the binding by obligation (for supply and construction units) and the administering of an oath on Adolf Hitler (for combat units)

b) the putting on equal status with the German soldier concerning

> uniform and insignia (a medal for Eastern nations, to be worn on a green ribbon was created, moreover all German decorations for valor could be conferred)

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welfare and care (pay, canteen goods, medical care, postal facilities, furlough)
care of relatives in case of death.

2.) Owing to the steadily increasing number of auxiliaries and volunteers (combat soldiers), who had to serve a trial period of 3 months before being bound or sworn in, German welfare officers became necessary and were, indeed, appointed, at the units and commanding authorities up to army level.
The number of auxiliaries and volunteers reached its peak in the year 44 with more than 500 000 men, this signifies 12% of the entire German combat army on all theaters of operations.

3.) Leave centers and hospitals for Eastern nationals were created and, at last, the General of the Volunteer Units appointed as their representative at the Army High Command.

4.) Shortly afterwards, the organization of native units and auxiliaries in the combat army was being followed in the replacement army. The Volunteer Base Division, as well as subaltern and interpreter schools were set up; they were prerequisites for a far-reaching withdrawing of German personnel from the Eastern national units.

5.) The mentioned facts prove unambiguously that the fact of voluntary enlistment of the auxiliaries cannot be questioned, as above-mentioned all the measures taken by the Army High Command would not have been necessar for soldiers pressed into service contrary to International Law.
The reason of the diverting to the enemy of a steadily increasing number of national formations and auxiliaries

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towards the end of the war is the fact that they wanted to have an alibi for themselves in the eyes of Russia, but this does not presuppose any duress on the side of Germany.

(signed) Luedinghausen
Major, General Staff.

I, Horst von Mellenthin, being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of above affidavit of Major, Gen.Staff, Frhr. v. Luedinghausen.

(signed) H.v.Mellenthin,
Gen. of the Art.

Subscribed and sworn to before me this 5th day of July 1946 at Dachau.

(signed) Harry Szenger,
Capt., A.C.,
Investigator, Examiner,
War Crimes, Dachau.

1200

Wolfgang Ruhsert
Colonel, Gen.staff
P.W.E. 29, c/o. II

Dachau, 30/6/46.

AFFIDAVIT.

Concerns: Commitment of auxiliaries.

I, Wolfgang Ruhsert, colonel, being duly sworn, depose and say:

The following statement concerns my activity in my capacity

a) as Major and Lieutenant-colonel of the Gen. Staff from 1/1/1942 - 1/5/1944 at the C.i.C. Center, from 10/1/44 Air Fleet Reich, in a position of group leader I a (operations), from 1/2/44 Chief-Quartermaster.

b) as Lieutenant-Colonel of the Gen. Staff from 2/5/44 to 1/12/44 as quartermaster-general of Air Command South-East.

Concerning a): in the area depending of Air Command Center and Air Fleet Reich, more than 300 000 Russian auxiliaries were serving in the ranks of the army. Commitment as auxiliary (Hiwi) took place, according to an explicit order of Luftwaffe High Command, on the basis of voluntary enlistment. In the "Stalags", the Russians were informed about tasks, treatment, economic interests etc., and were, after having voluntarily enlisted, distributed among the various departments of the Luftwaffe according to their professional qualifications, and sworn in at their units.

As a matter of principle, I have visited the Hiwis in action during my regular inspections, together with my commander, and by his orders, inspected accomodation, food, duty tasks and welfare.

The Hiwis were treated unobjectionably in the army and got sufficient food. Colonel-General Weise had, for his command area, approved of the combat units' suggestion, that the Hiwis were to get normal army rations with reduced meat portions.

The very small number of attempted escapes shows the unobjectionable treatment of the Hiwis; as far as I remember, this number amounted to about 100 cases out of 300 000 per month.

Concerning b): I had made the same observations concerning the Russian auxiliaries serving in the Balkans. My commander, General of the

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Flyers Fiubig, who spoke Russian, entered into conversations with the Hiwis at every inspection, has inquired about accomodation, food etc. and has everywhere observed that service was on a voluntary basis

(signed) Wolfgang Ruhsert

Subscribed and sworn to before me this 5th day of July 1946 at Dachau.

(signed) Harry SZANGER,
Capt., A.C.
Investigator Examiner
War Crimes, Dachau

I, Horst von Mellenthin, being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit of Colonel, Gen. Staff, Ruhsert

(signed) H. v. Mellenthin
General of the Artille

1301
notused

Wolfgang Krasselt
Konstanz/Bodensee
Bodanplatz 8

Konstanz, the 31st May 19

A F F I D A V I T

At the present trial against war criminals at Nuernberg a priest Nikolaus L o n a k i n from Leningrad stated as witness according to a report of the Schwarzwaelder Post, Oberndorf, copy No. 17 B, that in Pleskau (Pskow) all 60 churches that existed there were desecrated by the Wehrmacht during the war and robbed of the implements used for the divine service, of the robes, icones and ecclesiastical treasures, that the churches were used as stables and as store-rooms for wine and coal, and that the German army (Wehrmacht) had placed mines in the churc and that these mines went off during divine service and had killed many of the believers.

As I myself was in Pleskau as a soldier with the Unit F.P.No. 36 606 from December 1942 till March 1944 and as I therefore know the situation there well, I know that these testimonials do not correspond to the truth. Therefore I would like to make known the following to the court.

The great cathedral of Pleskau, one of the most ancient ones in Russia, was, until the German troops entered the city, an atheist museum and was given back to its ecclesiastical purpose by the German Wehrmacht. I myself have attended many divine services there- together with many other German soldiers- and have also seen the extensive repair and rebuilding work carried out thereon during 1943 by the Wehrmacht, in spite of the general scarcity of building materials etc. In other churches as well, divine services were held, as a rule attended German soldiers. Therefore it is absurd to say, that mines went off there, because they would have killed also the Germans. As long as I was in Pleskau, no ecclesiastical ceremony was disturbed by the Germans,- on the contrary the Russian civilian population, of which the greatest part had remained in Pleskau during the occupation, regularly were allowed a prolonged curfew hour on all high church festivals so as to be able to attend the divine services at night.

On 16th February 1944 the Russian airforce bombed the city of Pleskau from about half past 5 till about 11 o'clock at night and, together with several hundred houses of civilians, several churches were set on fire, among these the great former Garnisons church on the Proletarskii Boulevard. During this air-raid several thousand Russian civilians lost their lives. Thereupon the town was nearly completely evacuated by the civilian population and prepared for defense as the Russian armies were approaching closer and closer. Only very few civilians remained for whom as far as I know church services were no more held. Up to my departure from Pleskau none of the actions occurred, which are confirmed by the Russian priest.

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After I had left and already before, as I said, there were no more church services after the air raid.

Later on the German Front was taken back to the other side of the river Welikaja. According to what I heard from comrades and according to reports of the "German paper in the east" ("Deutsche Zeitung in Osten"), then, during the combats there, the tower of the cathedral that was situated high up was used as a point of observation and for machine gunnir by the Russian Army. (Spring 1944).

It is correct, that in Pleskau various churches served profane purposes. But this was long before the German occupation. These churches serving profane purposes were in such a state, and I saw them myself, that there can be no doubt that they have not served ecclesiastical purposes for many years already, and not just since the German occupation.

I myself had been to Russia on an Intourist trip, which lasted from 18th August to the 2nd September 1935 and visited there among others Moscow and Leningrad. There - in Moscow - e.g. the largest and most beautiful of the churches there - the Saviour cathedral - had been blasted away so as to make room, as our lady guide of the Intourist explained, for a large party-building. I could discover only a single church in Moscow, in which divine service was held and this was a small unimportant church near the Basilius-cathedral. All bigger and more important churches served various profane purposes, e.g. the Isaac cathedral in Leningrad, the largest and most beautiful church of the town was an atheist Museum

In Pleskau all church implements, robes, icons etc. remained in the churches, for I have seen them there myself often enough. In the great cathedral e.g. there was a large picture of our Lady by Tic'win, that had been handed over to the clergy of Pleskau by the Wehrmacht.

On the other hand I saw with my own eyes, during my stay in Moscow, how in the Hotel Metropol in Moscow, in a store belonging to the Hotel, icons, monstrances, mass vestments, bibles of the middle ages and liturgical books, in short, the contents of the Russian churches were sold to the tourists of the Intourist for foreign currency, i.e. by

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To Page 2

presenting their travel credit-letters. One tourist of the travel party bought a handwritten liturgical book of the middle ages, - bound in pig-skin- for the price of about 300 mark, as far as I remember. The gold-embroidered mass vestments hung on the rack, like suits in a department store. It appears, that the articles were sold there, for the missing of which the German Wehrmacht is made responsible to-day.

H5121 – 0092

The blowing-up of buildings, which the German Wehrmacht is accused of in the mentioned statement by the witness, especially when people were in them, was often accomplished by Russian partisans operating behind the front. For example in the fall of 1943 a fully occupied cinema in Dno was blown up by the Russians during a show, taking a deplorable number of lives. I am not able to check the other statements made by the other witnesses during the trial, especially not those with regard to the atrocities of German soldiers against the Russian civilian population. As these statements have often been made by giving also the names of places and the dates, those soldiers should report, who - as I in the case Pleskau - can give contrary statements. However I know from my own observation, that upon the departure of my unit from Pleskau in the beginning of March 1944, all Russian civilian employees, who were employed by us, attached themselves voluntarily to our retreat, I even remember very well, that many of them brought their relatives on sleighs for miles,-some of them old people, who could not or could hardly walk - and begged our unit-leader resp. transport-leader, with tears in their eyes, to take those people along. I saw this with my own eyes.

10 Russian prisoners of war were designed to our unit for work. The men were treated in a decent and human way, had sufficient food and, to give an example, they were off duty from Saturday noon to Monday morning, while we German soldiers often were on duty continiously for days and found hardly any time to eat and to sleep.

In winding-up I state, that I am not giving this statement, in order to exonerate the defendants in any way. I always was an opponent of the national-socialist regime and even had a remark in my Wehrmacht papers referring to this. While I was a soldier and in spite of the fact that I have six minor children, my livelihood was taken away from me by the regime, because I was politically discredited. The punishment for the defendants, who committed crimes against the world and against the German people, can never be as severe as it should be, considering the magnitude of their crimes. However I make my statement as a G e r m a n and as a former soldier, as well as out of my religious conviction, which does not permit, that here also the non-nazi German soldiers, who only did their duty, are accused of actions which are not true, and according to their arrangement, are in my opinion to be taken for atrocity-propaganda against us Germans.

I am making these statements voluntarily and to the best of my knowledge.

Konstanz, 31 May 1946

/s/ Wolfgang Krasselt

Verification of signature

I verify the foregoing signature, which in my presence was given today by the hotel-merchant Wolfgang Krasselt of Konstanz, personally known to me.

Konstanz, 31 May 1946

Office of the Baden Notary, Konstanz I

Counsellor of Justice

/s/ (illegible)

notary

H5121 – 0093

4/363

Gerhard von Nostitz-Wallwitz
Generalmajor, retired.

Neu-Ulm, 24 June 1946

Affidavit

Subject: Destruction of factories and mines in the Donetz valley in the South Army Group territory.

Gerhard von Nostitz-Wallwitz, Major general, retired, from 7 January 1942 until the end of July 1942 inspector for the South economy inspection, place Poltawa;

being duly sworn, depose and say:

My task as inspector of the economy inspection was first of all to get started the economy in the territory in order to supply the troops and the population.

The entire industrial area was destroyed by the Russian retreat. The result of my inquiries and those of my subordinate offices was, that the removal of factories important for the war, for example those in Charkow, must have started already shortly after the outbreak of hostilities in July 1941. Only thus it was possible to make the factories completely useless. The evacuation had been so complete that in various works not even the electric wires and switches were left. Everything that could not be removed was blown up by the Russians, as for example the blast-furnaces. Also the E-works were made useless, because the electricity supply in that territory depended mostly on the E-works of the large factories and mines. The only exeption from the destruction were both the large steel-works in Mariopol where it was possible to head off the destruction by taking the town by a surprise attack. In order to get the factories going again machines and a large part of spare parts had to be brought from Germany, thereby wasting months.

The destructions of the mines in the Donetz valley was carried out by the Russians completely, so that a large part of them drowned. While the peace production in the Donetz valley, if I remember correctly, amounted to 20 million tons a year, it was impossible to supply the troops with the necessary coal, in spite of utilizing a mining battalion and bringing machines and spare parts from Germany. If I am not mistaken by my memory the monthly production in June 1942 rose to 35,000 tons and should reach the most 100,000 tons a month by January 1943. Suchlike thorough destruction of the mines coul

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not be carried out by the German troops, because they had never the necessary ammunition at their disposal neither at their advance nor during the months of cessation of operations.

Signed: Gerhard von Nostitz-Wallitz

Subscribed and sworn to before me this 24 day of June 1946 at Neu-Ulm, Germany.

Signed: Joseph J. Ancell jr.

Joseph J. Ancell jr.
2nd Lt., Inf. Commanding Officer
serial No. 01332909

1302

Theodor T o l s d o r f f
Lieutenant General

Neu-Ulm, 24 June 19

A f f i d a v i t

Subject: Churches in the northern sector and looting.

Lieutenant Gener... Theodor T o l s d o r f f , leader of the 82nd Corps being duly sworn, depose and say

I arrived with the first troops at Pleskau in the beginning of July 1941 and established the fact , that the monastery was completely plundered when we moved in. In the church all church- utensils had been taken away and the middle aisles were used as an athcist-exhibition instead. According to that it is established, that everything was carried off already by the Russian authorities and the civilian population, before the German troops moved in.

In November 41 I was stationed south of Schluessel burg. There two soldiers from my neighbour-battalion had stolen a pair of felt-boots and a worn fur-coat from 2 civilians. Both were sentenced to penal servitude and the sentence was made public to the whole division. I was battalion-commander of the I.R. 22 at that time.

/s/ Theodor Tolsdorff
(Theodor Tolsdorff)

Subscribed and sworn to before me this 5 day of July 1946 at Neu-Ulm, Germany.

/s/ Joseph J. Ancell
2nd Lt. Inf., Commanding Officer
serial nr.

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#1402

Georg von K ü c h l e r
General-Fieldmarshal

Neu-Ulm, 5 July 1946

AFFIDAVIT:

Concerning: "Treatment of cultural treasures.

I, General Fieldmarshal von Kuechler, C.i.C. of the 18 Army from 5 November 1939 to 17 January 1942 and C.i.C. of Army Groups North from 18 January 1942 to 30 January 1944 being duly sworn, depose and say:

"The campaign in Holland and Belgium has met with such quick success, that localities with especially valuable cultural treasures were not affected thereby.

My proposal to the Commandant of Paris, to surrender the city without resistance was dictated by the desire, to prevent our troops from a battle consuming their strength and rich in losses, in the myriad of houses in this cosmopolitan city. I have welcomed the acceptance of my proposal, also because it made it possible to save from destruction and damage the unique objects of art , accumulated in Paris, which belong to the cultural Community of the entire civilized world.

In all campaigns led by me, I have been of the opinion, that to destroy works of art, when the purpose of a fight can be gained without doing so, by other means, represents a cultural outrage.

The cathedral of Chartres was deliberately spared in the stubborn battle for that city and likewise in the fight for crossing the Loire, the cathedral of Tours and the castle of Saumur. During a great fire in Tours the entire staff of the High Command of the 18 Army participated in extinguishing it, thus preventing from destruction the houses and the property of the civilian population.

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I have placed the Castle of Chambord, where parts of the cultural treasures of the Louvre were packed in hundreds of cases off limits to troops and placed a guard there. A director of the Louvre, whom I met in the castle of Chambord, personally expressed his gratitude to me for these measures.

For castle Rambouillet, the estate of the president of the French Republic, I immediately ordered a guard.

These examples could be amplified. In the Russian campaign I adhered to the same principles.

My proposals to surrender without resistance the cities of Riga, Reval and Narwa were not answered, by the opposing leaders of troops and commanders.

The old cultural monuments in Riga, the church of Petri and the "Schwarzhäupterhaus" were put on fire by the retreating Russian troops. I myself observed the fires from the Western banks of the Duena and saw the still smoking ruins the next day. The population informed me that they were prevented by the Russian troops from extinguishing the fires. Only a mania for destruction could have caused the annihilation of these cultural monuments, since they were militarily unimportant for us as points of objective and unimportant for the opponent as point of observation, and the town could, because of our enveloping movement, not be held.

The battle for Reval was brief. The city, especially the old inner part of it and the Katharin castle have not suffered by our conquest; they remained undamaged as long as I was C.i.C. of the 18th Army and the Army Group North.

Narwa was taken by a surprise attack, practically without resistance of the Russians. Apart from the Narwa bridge, which was blown up by the Russians and negligible damage of a few houses on the Western fringes of the city, the

H5121 - 0098

"Hermanns fortress", Iwangorod and the inner city with its old cultuarally historical valuable buildings remained intact.

As long as I was C-in-C in the Northern sector, no damages occurred in Narwa. Relations between troops and the populatio. were consistently good. There was no cause for decreeing disciplinary measures. Thus the allegation of the Russian prosecutor, that 50 000 natives were annihilated in Narwa, is absurd, apart from the fact that the population of Narwa neve reached the total of 50 000 people.

The cities in the neighbourhood of Leningrad with their magnificent castles and estates were reached after hard fighting; Sluzk, Puschkin, Snamenko and Peterhof were within or directly behind our foremost lines. The distance from the castles Zcarskoje Selo and the Alexander palais to the foremost Russian position on the railroad station of Zcarskoj Selo was for example not quite 1 000 meters and castle Peterhof was situated close to the shore of the Finnish Bay, in sight of the forts of Kronstadt and the Russian warships stationed there.

It is an exigency of war that these cities and castles were destroyed by actions which on this front raged without interval for 3½ years, what did not fall victim to the bombardment, was destroyed in this region of ruins without roofs and windows by rain and frost.

I must protest the alleged charges of senseless barbarous destruction by German troops and the assertion that troops plundered in order to send home foreign property for personal gain.

An Curator of objects of art of museums with several assistents was assigned to the Army Group by the Staff of Rosenberg , who - based upon their knowledge - salvaged and preserved valuable art treasures and unique cultural objects of art. This curator presented his plans to me; troops were informed accordingly and admonished to cooperate.

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I advocated the viewpoint, that the salvage of valuable objects of art belonged to the cultural tasks of civilized people and that one could not watch the destruction of cultural treasures without doing something positive about it. In a similar manner every decent person in private life is bound to attempt to rescue valuable objects from a burning house without having the mental reservation to take possession of these rescued objects.

It is unfortunate that not more of the objects of art of Russian castles at Leningrad could be salved; this however was due to the lack of assistance, lack of means of transportation and above all the fighting conditions which prohibited and made impossible salvage work.
Thus many important objects of art fell victim to the Russian bombardment and the ensuing fire.
I state that a large part of the most valuable possessions had been removed from the castles and transported to Leningrad by the Russians themselves. This was confirmed to me not only by the population, but I myself immediately upon capture of these places have seen the empty halls and the great mass of empty picture frames in Krasnogwardeisk, Puschkin and Sluzk.
This could not have been done by the Germans. The fighting soldiers has no time to be on the lookout for art objects and to remove pictures from their frames. Furthermore he would not have had opportunity to take along plundered objects without running the risk of being discovered.
The castle in Krasnogwardeisk was burned down to a large extent during the fight for the place and the castles in Sluzk Puschkin and Peterhof were destroyed solely by Russian heavy artillery fire in the course of these 3½ years. During all these years I was at first C-in-C of the 18th Army in this sector later on C-in-C of the Army Group North and during my frequent visits to the front I had to ascertain the unfortunate progress of destruction.
When shortly after the capture of Peterhof I was there for the first time the upper rooms, where a museum was supposed to have been, were empty; the majority of the halls could not be entered into because of danger of collapse and the debris on stairways and in rooms. During another visit, the castle was just being subjected to the bombardment of heavy artillery by ships at Kronstadt; on the occasion of a landing attempt the little "Mon plaisir" situated on the shore of the sea in the Schlosspark was completely destroyed by Russian bombardment.

H5121 – 0100

After a hard fight which led to the capture of that city only the lower portion and a few rooms of the South wing of the castle Zcarskoje Selo were habitable at all. These rooms however were not fitted out with valuable furniture etc. but with ordinary household implements as can be seen in any private household. A bomb from an airplane had crashed throug the roof in the midsection, above the great hall (Spiegelsaal and had torn a great hole; the hall was full of debris. All window panes of the castle were broken.

As far as I remember only one good picture was found in the room adjacent to the Spiegelsaal. It was put into the wall and it portrayed - I believe - Katharina II. Furniture and other accessories found in the rooms on the first floor did not represent a special cultural ,historical value.

The statue of Puschkin in the park, as well as the interestin cast-iron triumphal portal of cultural historical value, which had been erected by Alexander I to his fellow-combatants in the war of liberation (1812-1815), remained undamage as long as I was in command in this sector.

Other sculptures and statues in the parks about Leningrad - mostly copies of classical prototypes - were destroyed by bombardment, e.g. the bronze stallions at a castle south of Peterhof, the little chapel of Schadow in the park of Peterho and other sculptures of marble and bronze.

The order for the removal of the impressive monument "1.000 years of Russia" was not given by me nor did I receive any knowledge of such an order.

During my last visit in Nowgorod - latter part of fall 1943 - the monument still stood in its place; it was however consider ably damaged by Russian bombardment.

Objects of art salved by us, were brought to a solid building in Pleskau and were exhibited there in a manner, one would exhibit such objects in a museum. All objects were registered and catalougued, detailing their place of origination. The museu enjoyed the visit of many, not only on the part of our soldiers but also by the civilian population.

After I had left and, as the front came closer to Pleskau, the museum was supposed to have been transferred to Riga. Its further designation is not known to me.

Three especially valuable art treasures of cultural historical importance may be mentioned

H5121-0101

here individually: the "amber room" in Puschkin, the "Neptune fountain" in the park of Peterhof and the "Icon of the Holy Mother of God" in Tischwin.

The "amber room " was dismantled from the castle of Zcarskoje Selo, when the destruction of the building took on such proportions that this valuable art treasure would have be destroyed within a few days. The dismantled plates were to be preserved in Riga, since there was no suitable place for exper staring in Pleskau. In opposition to this proposal authorized by me the plates were evacuated to Koenigsberg. However, this came to my knowledge only upon resuming residence in Koenigsbe after my dismissal. I was told that the room was set up in the Koenigsberg castle. I went there and saw the room in one of the halls of the castle, although - as it appeared to me- in somewhat smaller form but otherwise perfectly preserved. The "amber room" as well as the entire Koenigsberg castle was destroyed by British air attacks in August 1944.

An especially beautiful art treasure in Zcarskoje Selo - a parkett floor constructed from precious wood, richly decorated with designs of flowers and guirlandes in pearl- mother could not be salvaged in consequence of the destruction caused by the continuous Russian bombardment and had to be left to annihilation.

The "Neptune fountain" - the work of a Nuernberg master from the 16th century- was dismantled and salvaged in a laborious manner while partly being subjected to bombardment of Peterhof from land and sea. By permitting the fountain to remain in its place, it would have doubtlessly been destroyed. Upon order of Hitler who had been informed of the salvaging by the office of Rosenberg, the monument was transported to Nuernberg, where it stood on the Marktplatz up to the time it was purchased by Peter the Great (?). The arrival of the fountain was reported to me at that time; its further fate is unkno to me.

H5121-0102

The "Icon of the Holy Mother of God" from Tischwin which had been brought to Nowgorod, was presented to the Metropolites there in a solemn ceremony, at the time my headquarters were located in Pleskau and I was C-in-C of the Army Group North. It was mounted in the cathedral.

The fact that some cultural treasures have been evacuated to the rear and even into the Reich I have not viewed as an illegal instruction, but I rather considered it as an attempt to protect as far as possible unique cultural treasures from the senseless incidents of war. I was strenghtened in this conv tion by the fact that this was not done secretly but, that the objects e.g. the "amber room" were publicly exhibited. Like measures were often taken in history and are still taken today as e.g. the salvaging of German objects of arts by America.

(signed) : Georg von Kuechler
General Fieldmarshal

Subscribed and sworn to before me this 5th day of July 1946 at Neu- Ulm, Germany.

(signed) : Joseph J. Incell , jr.
2nd Lt. Inf.
Commanding officer
01332909

H5121-0103

Friedrich Wilhelm Ruebesamen

Dachau, 5 July 1946

1403

Affidavit

Subject: Destructions.

I, Friedrich Wilhelm Ruebesamen, Colonel in the General Staff (Oberst im Generalstab) being duly sworn, depose and say:

From May 1942 until August 1943 I was chief of the General Staff for the commander of the Northern Army territory and from August 1943 until January 1944 I was chief of the General Staff at the Headquarters 38th Army Corps, which was part of the Northern Army Group. The art warde of the Northern Army Group, Count Solus, Captain of the Cavalry, upon orders of the chief commander (Oberbefehlshaber) General Feldmarshal von von Küchler, had scoured most painfully and under personal risk, the castles damaged in the fighting in the district of Leningrad and the whol neighbourhood for art objects, had saved them and, if necessary, had restored them in Pleskau and exposed them in a museum which he had set up His job was to protect, to preserve and to care for the works of art in the territory of the Northern Army Group.

In the Kudenver territory south-east of Pleskau a Puschkin memorial house was cared for and was visited as an especially valuable place and was also inspected for this care by the commander of the rear Army territory.

Churches were repaired as far as possible and released for services to the population.

Priests were looked for and brought from Latvia to care for those churches and to hold services.

As far as I remember, a relic, a Madonna picture by Tiehwin was presented to the priest at Pleskau by the commandant. The day became a holiday for the population.

/s/ Friedrich Wilhelm Ruebesamen

Subscribed and sworn to before me this 5th day of July 1946 at Dachau.

Signed: Harry Szanger
Harry Szanger
Capt. A.C.
Investigator Examiner
War Crimes Dachau

H5121-0104

I, Horst von Mellenstein, being thoroughly conversant with the English and German languages, certify, that I have acted as interpreter for the swearing of the above affidavit of the Oberst Friedrich Wilhelm Ruebesamen

H. v. Mellenstein
General der Artillerie

#1412.
not used

H. G u d e r i a n
Generaloberst

Nuernberg, 10 June 1946

Affidavit

Document USSR - 35 (1), page 24 states:

"The Fashist intruders, who occupied "Jasnaja Poljana" on 30 October 1941, destroyed, defaced and set it on fire. They tore to pieces the rarest manuscripts, books and paintin[illegible] threw them away or destroyed them and marred the grave of the poet. Th[illegible] furniture and books were used to heat the house."

Thereto I declare under oath:

From 1 - 7 December 1941 Jasnaj[illegible] Poljana was my battle headquarters. The buildings were undamaged. The [illegible]lstoj family lived in the so-called "castle"; the German soldiers w[illegible]e not permitted to enter the building. My own quarters were in the "[illegible]eum" building. At our arrival the furnishings of the museum was [illegible]lected in two rooms of the building, the doors were sealed by the OK[illegible] and they were forbidden to be entered. My staff and myself were billet[illegible] most primitively. The house was heated with wood. No book or furniture belonging to the Tolstoj family was burnt. The Tolstoj grave was in good condition. Mines in its surrounding, which were put there by the Russians, were removed by us. Near the grave some soldiers killed, were buried in dignified graves.

Upon leaving Jasnaja Poljana I gave the order to preserve and spare everything.

Possible destructions therefore, can only have resulted in combat by Russian measures.

Signed: Heinz Guderian

I certify that this is a true signature of General Guderian.

Signed: Robert B. Stannes
1st. Lt. Inf.
ch. Prison Officer.

H5121-0105

#1429

Johannes F r i e s s n e r
Colonel General Nue-Ulm , June 1946

A F F I D A V I T

Subject: Destruction in Es onia

Col.General Johannes Friessner , from 10 March to 2 July 1944, Commander-in-Chief of the Army Group "N a r v a", from 4 July until 29 July 1944 (3 weeks Commander-in-Chief of the Army Group " N o r d "

being duly sworn depose and say :

1.) I was from the beginning of March (1o) until 2 July 1944 Commander-in-Chief of the rmy Group "N a r v a " without territorial authority(Territorialbefugnis)

During this time I neither ordered a single demolition nor any reprisals against the population.

The city of Narva was already considerably damaged by Russi artillery fire when I arrived. Through continious artillery fi and harrassing attacks of the Russian air force, especially however through several heavy and effective Russian bomber attacks in April it was almost completely destroyed. Apart from a very few who did not want to leave their homes there were almost no inhabitants left in Narva.

The city of Wesenberg (supply center of the army) was in th same way considerably damaged.

Reval was outside the extent of my command.

Disengaging operations did not take place in that time.

On orders of the Army Group those parts of the fortress of Ivangorod should have been demolished which overlooked the own positions on the west bank and would therefore in case of the fortress' capture by the enemy have allowed a view into our positions. Only unimportant parts could be demolished since the required explosives for a total demolition was not availabl

H5121-0106

H5121-0107

2.) I was commander of the "Army Group North" from the 4 July until 23 July 1944 (3weeks)also without territorial authority(Territorialbefugnisse).

During this period I also neither ordered a single demolition nor any reprisals against the population.

Disengaging operations did not take place in that time.

/s/ Johannes Friessner
Col.General

Subscribed and sworn to before me this 24th day of June 1946 at Neu-Ulm, Germany.

/s/ Joseph J.Ancell,jr.
2nd Lt.Inf.Commanding officer
serial No.

#1455

Dachau , 5 July 1946

A F F I D A V I T

Subject: Destruction

I, Hans von Dawans, being duly sworn, depose and say:

In my position as "Ober Quartiermeister " of the Air Force Command East, the later Air Force Command 6, from 26 February 1942 to 26 February 1944, I took part in the disengaging and retreat operations of the German troops in the central sector of the Eastern front. I still remember very well the evacuation order issued by the responsilbe army command authorities, in which it was repeatedly pointed out to demolish only such installations which could be of decisiv importance for later operations of the enemy.

I specially recall the order of the AOK 4 (C-in-C Heinrici) issued in the late summer 1943 for the evacuation of Smolensk, which strictly forbade any destruction of dwellings , churches monuments etc. and which held the then Front commander of Smolensk, General Oschmann, responsible for the execution of this order. My own observations in Smolensk, 1 to 2 days before evacuation of the city, as well as an air photo, made later of the city, confirmed to me the execution of this Army order.

/s/ Hans v. Dawans

Subscribed and sworn to before me this 5th day of July 1946 at Dachau.

/s/ Harry Szanger
Capt. AC.
Investigator Examiner
War Crimes Dachau

I, Horst von Mellenthin, being thoroughly conversant with the English and German languages, certify, that I have acted as interpreter for the swearing of the above affidavit of the Oberst v. Dawans.

/s/ H.v. Mellenthin
General of Artillery

H5121-0108

+ 1501
Not on list

Heinz W.G u d e r i a n
Colonel-General

Nuernberg, 28th of June 46

A f f i d a v i t .

Concerns: Suppression of Warsaw rising (1944)

I, Colonel-General Heinz W.Guderian,
being duly sworn, depose and say:

" I was, during the war commanding general, later on commander-in-chief of an armored army, then inspector-general of armored troops and chief of general staff of the army.

At the beginning of August 1944, a rising broke out in Warsaw, which was then in the immediate rear of the fighting front, and in view of the crisis at army group Center only a few Wehrmacht units could be made available for its squashing. Therefore, it were in the main police and SS formations which had to be assigned to this task.

The command of these units was entrusted to SS Obergruppenfuehrer v.d.Bach-Zelewski. He fought within the frame of the 9th army, but got immediate orders from Himmler from the beginning to the end of his activity in Warsaw, without the army knowing of their contents. He had commanding as well as disciplinary authority. (p.2057)

The army never has ordered the extermination of the civilian population, including the Jews, and possible directives of Himmler in this respect have not been known to the army (p.2056).

The police troops in Warsaw were commanded by police general Reinefarth. The SS troops consisted mainly of the brigades Kaminski and Dirlewanger, whose qualities were unknown to me in the beginning, as I had held my position but a few days, when the rising broke out.

H5121-0109

H5121-0110

The SS brigade Kaminski consisted of foreigners of the very worst kind. Numerous excesses were committed by it. When I was informed of this, I had this brigade leave the front at once, and I prevailed upon Hitler, that it was never more deployed at the Eastern front.

The deposition of the witness Scheidt, that Fegelein had reported in my presence to the Fuehrer concerning the excesses, does not correspond with the facts. I reported myself and Fegelein confirmed my statements at Hitler's request, and he added: "Those people are scoundrels".

The SS brigade Dirlewanger consisted of German convicts who had to prove true at the front, in order to get remission of sentence. It was a little better than the first-mentioned brigade.

Both formations belonged to the general SS. The opposing statement of v.d.Bach is not true (p.2047/52/53/57).

The Army High Command never has issued an order not to make prisoners while engaged in guerilla warfare or at Warsaw. The contrary is true. (p.2047/52/53/57).
When von der Bach-Zelewski, on the occasion of a personal visit, alluded to the fact that the insurgents showed a tendency to surrender, and asked me, how he should act in this connection, I have told him clearly and unambiguously, that the main thing was to terminate the rising soon, that the tendency to surrender ought to be supported and that, for this purpose, the insurgents should receive a guarantee that they would be treated as prisoners-of-war according to the rules of International Law. On the same day, I have reported this conversation to Hitler, and got his consent to a corresponding order to the Commander-in-Chief of Army Group Center, Colonel-General Reinhardt. For the rest, Reinhardt's views were absolutely identical with my own.

H5121-0111

The Army has acted on this order."

(signed Heinz W.G u d e r i a n
Colonel-General

Subscribed and sworn to before me this 28 day of June 1946

(signed) Samuel H.Binder
Capt.,Inf. O 358 239

I, Emma W.Schwabenland, being thoroughly conversant with the English and German languages, certify, that I have acted as interpreter for the swearing of the above affidavit.

(signed) Emma W.Schwabenland.

+ 1601

1.

Dr. Adolf Block
Judge-advocate-general
(Generalrichter)

Neu-Ulm, 23.6.46

AFFIDAVIT.

Concerning: excesses against civilian population.

Judge-advocate-general (Generalrichter), Adolf Block legal adviser of the Commander-in-chief of the 1st armored army, Colonel-General v. Mackensen (Southern sector of Eastern front), from 10.1.-10.8.1943, being duly sworn depose and say:

Before taking up my command, I was informed in Berlin at the Army High Command, about the Barbarossa order, which was unknown to me until then, although I was a judge at the Reich Court-martial (Reichskriegsgericht). Immediately after my taking up of duties at the army I had an essential conversation with the C.i.C. concerning the carrying-out of this order. Colonel-General v. Mackensen declared when I asked him, that the order was not to be considered as binding for the army. He ordered, that any violence and any crime of a soldier committed against the inhabitants and on prisoners was to be unrelentingly prosecuted, and that the population, which was already so sorely afflicted, was to be protected with all means. He declared that he had already severely prohibited any shootings, also of prisoners, without judgment.

These directives were acted upon during my tenure of command. Even the smallest excesses against the population were investigated by military jurisdiction throughout the entire army and, if punishable, sentence was passed. I remember a murder, committed by a German soldier on a Russian girl, in a locality 15 kilometres East of Gorlowka, in April 1943. The day after the crime, the criminal was sentenced by me and shot the day after. By order of the C.i.C., the sentence was posted up in the locality and made known to the army. On the whole, but a few insignificant excesses were committed in the course of the period mentioned. The conduct of the soldiers towards the populations was correct and thoughful. I know from personal participation in conferences, that the C.i.C. did everything in order to improve the food situation of the population.

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H5121-0112

H5121-0113

I was thoroughly informed of reports and proceedings at the various army courts and would have known, if the directives issued by the C.i.C. had been disregarded. In the same way, I certainly would have been informed, in my quality as legal adviser, if the C.i.C. had issued himself any regulations which would have contradicted the directives or International Law in general.

signed: Dr. Adolf Block.

Subscribed and sworn to before me this 24 day of June 46 at Neu-Ulm. Germany.

signed: Joseph J. Ancell jr.,
2nd Lt,Inf, Commanding officer.
Serial No O 1332 909

#1616

Reinhard W i n t e r h o f f Neu-Ulm, 5/7/1946

General Superintendent (Gener l Intendant)

AFFIDAVIT

Subject: Destruction committed by the Russians.

General-Superintendent Reinhard W i n t e r h o f f , from June 1942 to November 1943, superintendent in the air-command districts Kiev (later Charkov) and Minsk, being duly sworn, depose and say:

When I became superintendent at the air-command district Hq, (Luftgaukommando) I noticed, that this staff, in contrast to the staffs of the Army in Kiev was located in the small town Borispol, 30 Km from Kiev. Upon questioning, the air-command district-commander at that time - General of the Aircorps - described to me, that the staff was located at first in one of the large Russian buildings in Kiev and how soon, upon moving in numerous buildings next to, and especially on the highway were blown up by Russian time bombs, causing a large number of German and native victims, and how it was discovered only by chance, that the staff-building of the air-command district headquarters too was mined with over 7163 (US) lbs (65 Zentner) of dynamite, which were to be exploded electrically shortly after its discovery and that it finally became necessary, due to the threat of new bombing-plots, to move the staff outside of Kiev.

In Kiev the possibility existed, to visit the old cultural places under expert Ukrainian guidance, amongst others the Sophian-Church and the Lava-Monastery. On such a visit I also became acquainted with the clergymen of this monastery.

They described their persecution year after year and their years of suffering under the bolshevistic regime and voluntarily expressed their happiness, that they could pursue now their religious worship under the German regime. Some of them had to hide for years in the forest of the Pripet. On the extensive building-site was a church, which was admitted to be especially beautiful and valuable and was destroyed only recently. When I talked with my commander about that, he told me, that sometime ago he took part on a visit of the monastary by Reich Minister

H5121-0114

H5121-0115

Rosenberg and other representatives of the Reich and the Czech President Hacha. Just as they had left the church and were 80 m from the exit, the church collapsed from a terrific explosion. The Soviets evidently were informed of Rosenberg's visit, had bombs placed in the church and intended to have it blown up during the visit - presumably by remote ignition-, however a few minutes too late, causing no German victims. Kiev was kept in a state of unrest for a long time through this and other bombing-plots. The native population, which was affected as well as the German authorities, strictly condemned the actions.

The bombing-plots of the Soviets were especially numerous and heavy in the air-command district (Luftgau) of Minsk, where I was transferred to in April 1943 as superintendent. There it was especially aimed at the higher staffs and ranks, as well as the valuable depots and traffic-facilities. As officially announced in the reports of the situation (Lagerbesprechung), the number of plots often reached 700 per day in our air-command district. The Russian civilian population was also affected by it, partly very heavily. I went through numerous explosions one amongst others in our administration building. As a counter measure, a careful control of all visitors and working personnel was carried out as well as a thorough guarding of the building etc. To my knowledge, the air-distric command did not take any further measures beyond that. No case is known to me however, in which the same measures of terror were used.

s/ Dr.Reinhard Winterhoff
Gen.Superintendent

subscribed and sworn to before me this 5 July 1946 at Neu-Ulm, Germany.

/s/ Joseph J.Ancell jr.
2ndLt, Commanding Officer Inf.
serial No.

1630

Maximilian Frhr.von Weichs
Fieldmarshal

Nuernberg, 8 July 1946

Re: persecution of Jews.

I, Maximilian Frhr. von W chs, born 12 November 1881 in Dessau, certify in place of oath:

From 1 October 37 to Octob r 39, I was commanding general of the 13th army corps, from October 39 to 15 July 1942 C.i.C. of the 2nd army, from 15 July 1942 to 10 June 43 C.i.C of army group B, from August 43 to 26 March 45 C.i.C. of army group F/ C.i.C. South-East. My statements refer to this period.

Neither before nor during the war have I ever learned, that it was intended or that any office had issued orders to the effect, that the Jews should be exterminated in any territories whatever. I learned only during my captivity that such intentions allegedly existed, and that there have been so-called extermination camps. It was, sometimes, rumoured during the war, that some Jews had been killed in the Reich commissioner's territory Ukraine/Kiew. But nobody could furnish me any proof. It did not appear clearly whether these informations were scattered by enemy war propaganda, or were wild rumours, such as often happen to circulate in wartime, or were the truth. At any rate, one could not conclude from them that a general extermination was aimed at. The thought never occurred to me.

It is certain that the troops of the 3 parts of the armed forces serving in the zones which I commanded, have not participated in such extermination measures, The troops themselves refused to fight defenseless people. Moreover, they had constantly been instructed that we were waging war against the armed forces of the enemy, but not against the population irrespective of any race, party etc., to which they might belong.

H5121-0116

H5121-0117

The chaplains under my command have repeatedly emphasized, by my instruction in their sermons that Christian charity had to be applied to Jews too. Accordingly, I can remember only one case of killing of Jews as having occurred in my zo of command. A lieutenant of field gendarmery, coming from th ranks of the SS, had shot a Jew without a comprehensible rea I had him court-martialled, as I desired to make an example by sentencing this murderer.But an order emanating from high authority caused the defendant to be transported home in order to be judged there. I do not remember any more what authority ordered this. The fact, that I intervened twice by private letters addressed to Himmler in favor of Jews, prove that I refused in my mind, to connive at any unjust persecution of Jews.

In one case, the Jewish professor Dr. Meyerstein, a physician, was involved. He was an acquaintance of my family, and had treated me on the occasion of a severe illne He had been arrested. I asked to grant him the desired exit-permit to England. The journey took place. At the request of friend of my wife's, I tried in a similar way to arrange the emigration to America of 2 elderly Jewish ladies, who we personally not known to me. The exit vise was granted, but t emigration could not taken place owing to the fact that in t meantime the war with America had started.

The answering letters which I got in both cases from Himmler himself and one of the office under his authority, were written in a quite courteous form and did not warrant the conclusion, that it was intended to exterminate the Jews root and branch.

signed. Frhr. v.Weichs.

subscribed to and sworn before me this day 11 July 1946
Robert B. Stannes
1st Lt. o-1284183

I, Paul Schmidt, duly conversant with the English and Germa languages, testify that I have acted as interpreter for the swearing of the above affidavit.

Dr. Paul Schmidt.

#1662

Dachau, 29 June 1946

AFFIDAVIT

Re: Reichenau Decree and Decree of Col.Gen. Hoth in the East in 1941 for inciting revenge.

I, Col.General Hermann Hoth, being duly sworn, depose and say:

I am accused of having made: The statement "That a healt sense of revenge among soldiers must not be repressed, but on the contrary, must be furthered in any way possible" is quoted from an order dealing with various topics: "conduct in the Eastern sector", an order issued by me in the fall of 1941 in my capacity as Commanding officer (ColGeneral) of the 17th army in the Ukraine .

The decree originated from a lively Russian propaganda campaign , setting in at that time, inciting the Ukrainian population by radio and leaflets "to kill the Fascist agressor On the other hand, many cases had come to the knowledge of th Army Command (AOK), showing a hazardous blind confidence of the German soldier towards the Ukrainian population. The majority of the Ukranians was hostile to the Bolshewics and greeted our soldiers friendly. There still were however countless scattered Red army men and Bolshewistic agitators in the country.

In their confidence in the friendly attitude of the population towards the Germans, soldiers had gone so far, as to take walks alone and unarmed away from villages or to billet themselves individually in farmers houses. They had been attac ed there and butchered bestially. The order was intended to put a stop to this German carelessness.

H5121-0118

I remember for certain, that the order closed with an admonishment to the German officer not to interpret it in the light of permitting encroachments on innocent persons.

I request, that my then first General staff officer, now General Wenzel, late Chief of the first Army be questioned in this matter.

The Reichenau decree was forwarded to me in 1941 by the OKW. In many respects it did not correspond with my viewpoint. I therefore did not publish this decree in my army.

/s/ Roth
Col.General

Subscribed and sworn to before me this 3rd day of July 1946

/s/ Hay Szanger
Capt. A.C.
Investigator Examiner
War Crimes Dachau

I, Horst von Wellenthin, being thoroughly conversant with the English and German languages, certify that I have acted as interpreter for the swearing of the above affidavit of the Oberst Werner Pfafferott.

/s/ H.v. Wellenthin
General of Artillery

H5121-0119